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Guatemala

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I. Introduction

1. The State of Guatemala hereby submits its report for the third cycle of the universal periodic review (UPR), noting the voluntary submission of its midterm report in April 2014. The information covers the period 2012-2016.
2. When the Government for the period 2012-2016 took office, a democratic system had been in place in Guatemala for 16 years, during which time progress had been made in strengthening the State, although there were also significant gaps with regard to the population's full enjoyment of economic and social rights as called for under the peace accords and major human rights instruments to which Guatemala is a signatory.¹
3. In 2016, a new Government took office and put forward a general government policy for the period 2016-2020, which is aligned with the K'atun "Our Guatemala 2032" National Development Plan. The plan establishes priorities and guidelines for the work of the public sector and provides the means for monitoring the goals proposed for the period 2016-2020.
4. Between 2012 and August 2017, in fulfilment of international commitments, Guatemala submitted 11 periodic reports and 4 sets of replies to lists of issues from United Nations treaty bodies. In keeping with its open-door policy, Guatemala accepted and facilitated the visits of two special procedures mandate-holders and two rapporteurs from the inter-American system. In March 2017, Guatemala hosted the fifty-seventh special session of the Inter-American Court of Human Rights, in July-August it received an onsite visit from the Inter-American Commission on Human Rights, and it is currently drafting responses to the list of issues in relation to its fifth and sixth reports on the Convention on the Rights of the Child and preparing for the review by the Committee on the Elimination of Discrimination against Women.

II. Methodology and national consultations

5. The present report was prepared by the Presidential Human Rights Commission in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala and in consultation with State institutions and civil society organizations.
6. Through an inter-agency forum,² three working meetings were held in order to compile institutional information on follow-up to the reports submitted in 2008 (43 recommendations accepted), 2012 (111 recommendations, 27 noted and 5 voluntary commitments made) and the midterm report submitted in April 2014.
7. National consultations with civil society organizations began in November 2016 and were completed in May 2017; seven departments³ were prioritized and the following needs and concerns were identified:
 - (a) **Security and justice:** The need to decentralize the International Commission against Impunity in Guatemala emphasized in all regions; opening of regional offices suggested to facilitate investigation at the municipal government level; need for more trained personnel in the security forces and protection of justice officials and human rights defenders.
 - (b) **Violence against women:** High rates of femicide and violence against women are concerns; establishment of specialized prosecutors' offices, courts and places to provide special assistance for victims of violence proposed; awareness-raising needed for staff to receive complaints from women in health facilities; lack of offices of the Presidential Secretariat for Women at the national level and lack of knowledge of the recommendations of the Committee on the Elimination of Discrimination against Women.
 - (c) **Children:** Lack of specialized personnel to ensure children's access to education and health services, social programmes not being carried out effectively, non-enrolment of children in remote communities, little attention to children and youth with disabilities.

(d) **Indigenous peoples:** Dissatisfaction at the lack of consultation with indigenous peoples; amendments to the Mining Act; absence of the Presidential Commission on Discrimination and Racism against Indigenous Peoples at the national level; lack of access to economic, social and cultural rights and civil and political rights for the indigenous population.

III. Protection of rights

A. Equality and non-discrimination

Racial discrimination (first cycle recommendations 89.7, 89.9, 89.10 and 89.11; second cycle recommendations 99.9 and 99.105)

8. The Public Policy for Coexistence and Elimination of Racism and Racial Discrimination was formally adopted in May 2014.⁴ As part of the policy's implementation, meetings have been held with public sector planners and budget managers to identify concrete activities to be undertaken in accordance with their mandates. In 2016, a draft plan for implementation of the policy was circulated among technical staff of the various State institutions with a view to identifying specific areas to be included in the annual operational plans.

9. Indigenous peoples are represented on departmental urban and rural development councils through the system of urban and rural development councils. There are a total of 92 representatives from 24 linguistic communities (84 Maya, 2 Garifuna and 6 Xinca) at the departmental level; the National Urban and Urban Development Council has 6 indigenous members (4 Maya, 1 Xinca and 1 Garifuna).

10. With regard to the judiciary and the Supreme Court of Justice, 2 of the 13 high court judges for the period 2014-2019 are women and one is an indigenous person from the Maya K'iché' group, who presided over the Court during the period 2014-2015.

B. Protection for vulnerable population groups

Protection of vulnerable population groups (justice officials, human rights defenders, trade unionists and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons)

11. The Office for the Analysis of Attacks against Human Rights Defenders has held meetings continually since its establishment in 2008. In 2016 it held 47 meetings. To strengthen this body, in 2015 a hotline was set up with telephone number 1543 to receive emergency calls and complaints.

Protection of justice officials (first cycle recommendations 89.31, 89.26 and 89.30)

12. The Ministry of the Interior⁵ ensured protection for 100 judges in high-impact cases and 10 special prosecutors, for which purpose 288 National Civil Police officers were assigned.⁶ The Public Prosecution Service reports that from 2012 to June 2017 there were 225 complaints of threats or attacks against prosecutors (120) and judges (125).

Protection of human rights defenders (first cycle recommendations 89.18, 89.19, 89.20, 89.21, 89.22, 89.30 and 89.36; second cycle recommendations 99.52, 99.53, 99.73, 100.14, 100.15 and 100.18)

13. The Special Criminal Investigation Division⁷ of the National Civil Police was strengthened in 2014 through the addition of 14 investigators. Currently there are 20 investigators, who support the Office of the Special Prosecutor for Human Rights of the Public Prosecution Service and the Protection of Persons and Security Division⁸ of the National Civil Police, which provides round-the-clock preventive personal protection for human rights defenders and their families when they have been attacked or threatened.

14. The Public Prosecution Service reports that from 2012 to June 2017 a total of 557 complaints of various crimes against human rights defenders were reported.

15. In October 2016, a protocol was adopted for the implementation of immediate preventive security measures for the protection of unionized workers, leaders, managers, militants, trade union leaders and persons involved in the defence of labour rights and the physical spaces in which they conduct their activities. The Public Prosecution Service reports that between 2010 and 2015 a total 67 complaints involving trade union members were lodged.

Protection of the LGBTI population (first cycle recommendations 89.16 and 89.35; second cycle recommendations 99.27, 99.23 and 99.24)

16. The Public Prosecution Service opened three complaints windows in its 24-hour public services office.⁹ Applying a victim-centred approach, the office carries out an assessment of primary needs, which may include crisis care, medical or psychological evaluation and/or legal assistance. The facts are recorded and appropriate protective measures are put in place. All complaints windows display the slogan “Yo no discrimino” (I do not discriminate), which is intended to heighten awareness among prosecutors who are involved in assisting victims.

17. A protocol for the provision of comprehensive assistance to crime victims was adopted in 2014.¹⁰ The protocol is grounded in respect for the human rights of crime victims, with emphasis on populations living in situations of vulnerability.

18. The Information System of the Public Prosecution Service includes an LGBTI category in the personal data it records. It also includes the name used by the individual concerned in his or her social relationships. A total of 11 complaints were registered between 2010 and 2015, of which 4 were rejected. From 2016 to June 2017, a total of 355 complaints were filed, of which 46 were rejected or dismissed.

19. In 2014 the Office of the Human Rights Advocate established a Sexual Diversity Unit, which, among other functions, is charged with referring and advising and following up on complaints of human rights violations against sexually diverse communities.

20. In November 2016, the Ministry of Public Health and Social Welfare launched the Comprehensive Differentiated Health Strategy for Transgender Persons in Guatemala 2016-2030, the aim of which is to provide comprehensive differentiated services for transgender persons. The strategy focuses on (a) health promotion and disease prevention, (b) comprehensive health care, (c) institutional strengthening, and (d) monitoring and evaluation.

C. Trafficking in persons (second cycle recommendations 99.54 and 99.47)

21. In 2015 the Inter-Agency Commission against Trafficking in Persons approved a protocol for inter-agency coordination on protection and assistance for victims of human trafficking, which sets out basic guidelines for government agencies and non-governmental organizations concerned with the issue. The protocol provides for various stages and levels of protection and assistance to victims and establishes differentiated procedures for children, adolescents and adults.

22. A protocol for assisting victims of trafficking, adopted by the Public Prosecution Service in 2015, establishes procedures to be followed in providing assistance, protection, referral and full restoration of the rights of persons who have been victims of trafficking. The Public Prosecution Service also issued a general directive regulating the activities of the assistance, coordination and intervention mechanisms of the Service responsible for victim assistance and criminal prosecution of trafficking cases.¹¹ The directive outlines strategic mechanisms for criminal prosecution and establishes parameters for coordination of victim assistance and investigation and referral of cases.

23. In 2015 a new hospital care protocol for victims of sexual violence was adopted, offices of the Public Prosecution Service were opened at the Roosevelt and San Juan de Dios hospitals and training was provided to 267 people at those hospitals.

24. The Child Protection System was created in May 2016 and a child pornography unit was established under the Office of the Prosecutor for Human Trafficking Offences. The unit is responsible for investigating human trafficking offences involving child pornography and offences relating to the possession, production, dissemination or sale of such pornography.

25. The National Civil Police established the Sexual Crimes Unit and the Anti-Trafficking Unit within its Special Criminal Investigation Division, which is staffed by 56 officers specializing in the investigation of sexual offences.

26. The Secretariat against Sexual Violence, Exploitation and Trafficking in Persons has set up 23 departmental networks to combat sexual violence, exploitation and human trafficking. Under a national training programme for medical, auxiliary and administrative personnel in the public hospital network, 2,961 persons received training on matters relating to sexual violence in the course of 27 visits to hospitals in the network.

Statistics on trafficking in persons

27. From 2012 to June 2017, the Public Prosecution Service received a total of 1,771 complaints involving 3,338 persons for offences relating to trafficking in persons and payment for trafficking in persons and recorded a total of 82 convictions.¹²

28. During the period 2010-2015, the courts handed down a total of 134 verdicts (57 acquittals and 77 convictions).¹³

Sexual exploitation of girls

29. In 2016 the judiciary organized five round tables involving five specialized bodies with a view to strengthening judicial decisions in cases of sexual violence and trafficking in persons.

30. In 2016, the Attorney General's Office, the Public Prosecution Service, the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons and the Ministries of Public Health and Social Welfare, Education, and Social Development signed an inter-agency agreement designed to improve care for pregnant girls and teenagers under the age of 14. The agreement establishes commitments for coordination and sharing of responsibilities among the various agencies and for implementing the road map and optimizing the procedures of each institution with regard to the identification and care of pregnant girls and adolescents under the age of 14. That same year, an agreement was signed between the Ministry of Public Health and Social Welfare, the Public Prosecution Service and the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons to support the provision of medicines and biologicals needed for the care of victims of sexual violence under the comprehensive assistance models of the Public Prosecution Service.

31. As of 2014 the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons was operating three specialized temporary shelters for child and adolescent victims of crimes of sexual violence, exploitation or human trafficking. The shelters are located in Guatemala City, Coatepeque (Department of Quetzaltenango) and Cobán (Department of Alta Verapaz). Between 2014 and June 2017, medical care, psychological care, social assistance, recreational and educational services and legal assistance were provided to a total of 852 victims of trafficking or sexual violence.

D. Persons deprived of their liberty

Prison system, persons deprived of their liberty (second cycle recommendations 99.50, 99.51 and 99.49)

32. The national prison reform policy adopted in 2015 covers a 10-year period.¹⁴ The Policy includes 10 main lines of action, as follows: inter-agency coordination; implementation of a professional training programme for prison officials; specialized continuing education; strict application of a progressive regimen; construction, renovation

and modernization of infrastructure; internal and external security; promotion of resocialization; community and business involvement; socioeconomic reintegration of persons; special attention to women, men, children and adolescents in the prison environment.

33. Discussions are currently underway on reform of the prison system and the Technical Secretariat of the National Security Council with a view to prioritizing strategic areas and short- and medium-term actions in three dimensions: (a) prevention, rehabilitation and re-education; (b) administrative and financial efficiency; and (c) internal controls, security and prison intelligence.

34. The Telematic Surveillance Act was adopted in September 2016.¹⁵ This law provides for the implementation of electronic and technical systems to be used by the Directorate-General of the Prison System to improve surveillance of persons who have been convicted but have been given alternative sentences and ordered to wear a GPS monitoring device. The implementing regulations for the Act are currently being drawn up.

35. With regard to prison conditions, the following actions are being taken:

- To deal with **overcrowding**, a list is being drawn up of persons deprived of their liberty who have served enough time to qualify for a reduction of their sentence; this would help alleviate overcrowding in detention centres.
- To improve prison **infrastructure, access to health care and hygiene conditions**, work is underway on the construction of two new modules, with resources provided by the Directorate-General of the Prison System and with assistance from the European Union Support Programme for Security and Justice in Guatemala (SEJUST).¹⁶
- With regard to **self-government**, the Unit for the Analysis of Prison Information and the Offices of the Deputy Director for Operations and the Inspector General of the Prison System are coordinating efforts to implement early warning mechanisms to avoid crises or emergencies in prisons. Regular inspections are conducted in detention centres in order to effectively prevent prohibited objects or substances from being brought in.
- **To prevent violence among inmates**, persons deprived of their liberty are separated according to their legal status, criminal profile, age, sex, gender, behaviour, social identity and health status, among other criteria.

36. With regard to indigenous women deprived of their liberty, the Public Defenders Institute developed a protocol for the provision of assistance to women victims of various forms of violence; signed an inter-agency agreement with the Office of Women's Affairs in the municipality of Mixco, the Presidential Secretariat for Women, the Ministry of the Interior and the National Civil Police; developed a protocol for social work with a gender perspective; and established a women's unit focused on assisting indigenous women accused of criminal acts and ensuring them prompt and full access to justice.

E. Torture and enforced disappearance (second cycle recommendation 100.17)

37. Since 2014, the National Office for the Prevention of Torture, which is the national preventive mechanism, has appointed five rapporteurs and five alternates, who conduct visits to the various centres in which individuals deprived of their liberty are held and to public and private facilities providing social care and protection services. In 2016, the rapporteurs carried out 151 visits and issued 917 recommendations.

38. Between 2012 and June 2017 the Public Prosecution Service recorded a total of 87 complaints of torture, 11 of which were rejected. A total of 327 complaints of torture or ill-treatment by National Civil Police officers were reported, 98 of which were rejected or dismissed.¹⁷

F. Combating impunity (first cycle recommendations 89.23 and 89.34; second cycle recommendation 99.63)

39. The Anti-Corruption Division of the Public Prosecution Service currently has 10 prosecutors' offices, which research and analyse cases in which public officials or civil servants are accused of committing various offences. A case tracking methodology has been implemented with the aim of forming multidisciplinary teams to address complaints received.

40. In the past three years, the number of complaints lodged has increased, and the Anti-Corruption Division has therefore been strengthened. Two specialized prosecutors' offices were opened to investigate acts of corruption in the countries' municipalities.

41. In the first half of 2017, the findings of more than 35 investigations were brought before the courts, which has led to important results in the fight against corruption. A total of 247 judicial sanctions were imposed during the period from 2012 to June 2017.

42. With regard to support for the International Commission against Impunity in Guatemala, an office of the Special Prosecutor against Impunity was opened in Quetzaltenango.¹⁸ The office has jurisdiction to prosecute offences in the departments of Quetzaltenango, Totonicapán, San Marcos and Huehuetenango.¹⁹

IV. Economic, social, cultural and environmental rights

A. Right to food (second cycle recommendations 99.82, 99.87, 99.89 and 99.93)

43. The Zero Hunger Pact initiative was implemented gradually, in three phases. The first, from January to June 2012, targeted the 33 municipalities with the highest prevalence of chronic malnutrition in the country.²⁰ The second phase, from July to December 2012, included 50 municipalities with high prevalence of malnutrition. In the final phase, which began in 2013, municipalities were added until the number reached 166 (about half of the country's municipalities).

44. With regard to the trend of chronic malnutrition over time, according to survey data compiled to assess the impact of the Zero Hunger Pact initiative, chronic malnutrition among children under 5 years of age in the 166 municipalities targeted between 2012 and 2014 rose from 59.9 per cent to 60.6 per cent, a negligible change of 0.7 percentage points. A breakdown of malnutrition rates by rural and urban areas for the same period shows that rates in rural areas increased by 1.18 percentage points, whereas in urban areas they fell by 4.0 points. In urban areas, the rate of chronic malnutrition decreased by 6.0 percentage points between 2012 and 2013 and then rose again by 1 percentage point in 2014. In rural areas, the rate of malnutrition showed small but positive changes over the three periods studied. It should be noted that the chronic malnutrition rate averaged 35 per cent higher in rural areas than in urban areas for all three periods.

45. The National Strategy to Prevent Chronic Malnutrition 2016-2020 was adopted with a view to achieving the target of 10 per cent reduction of chronic malnutrition. The Strategy is intended to build on the results of the Zero Hunger Pact.

46. The Presidential Commission for the Reduction of Chronic Malnutrition was established to advise the President on follow-up to strategies to reduce malnutrition in the country and to promote and coordinate activities with civil society and municipal government entities to reduce malnutrition.

47. The Family Farming Programme, established by the Ministry of Agriculture, Livestock and Food, is the centrepiece of the country's agricultural policy 2016-2020 and is intended to strengthen the rural economy and contribute to the reduction of chronic malnutrition among children under 2 years of age. The strategy for the prevention of chronic malnutrition promotes family farming by poor and extremely poor households with a view to improving the availability of, access to and consumption of food, through inter-

agency and intersectoral coordination and social and civic participation, with support from international cooperation agencies.

48. The Food Programme carries out activities to benefit the rural population, promote development in rural communities and build productive community assets in order to reduce vulnerability to food insecurity. Under the programme, farmers receive food as payment for the time they invest in the community. Between 2012 and June 2017, a total of 343,088 food rations were distributed.

49. The Food Aid Programme was established to prevent food insecurity and ensure sufficient and continuous availability and supply of foods. Between 2012 and June 2017, the Programme distributed a total of 618,117 food rations in areas affected by natural disasters.

50. The Family Garden Programme supports food production, strengthening technical and social organization capacities and promoting local food production in communities and families identified as being at high risk of food insecurity. Between 2012 and June 2017 the Programme assisted a total of 136,294 families.

51. Since 2016, the National School Nutrition Programme has been strengthened and aligned with national and international policies. The programme guarantees the right of schoolchildren to food and nutrition by providing a variety of safe, healthy and culturally appropriate foods in order to improve learning conditions.²¹

52. Government schools provided school meals to children at the preschool and primary levels throughout the 180-day school year, at an estimated annual cost per child of 200 quetzales in urban areas and 285 quetzales in rural areas. In municipalities identified as having the highest rates of malnutrition, the annual cost is 290 quetzales in rural areas and 375 quetzales in urban areas. Analysis of budget figures between 2013 and 2016 shows an increase of 46,025,568 quetzales. In 2016 the total expenditure was 614,369,482.49 quetzales and a total of 2,388,884 schoolchildren benefited.

B. Social programmes (second cycle recommendations 99.13, 99.81, 99.94, 99.86, 99.90, 99.91 and 99.104)

53. The Economic Support Programme for Older Persons provides monthly allowances of 400 quetzales to persons of limited means who are over 65 years of age. From October to December 2012 a total of 268,785 allowances were paid out, while in 2016 a total of 1,235,081 were paid out, benefiting 103,167 older persons.

54. The "My Golden Years" programme provides comprehensive support for persons over the age of 60, with emphasis on those living in conditions of poverty or extreme poverty. The aim of the programme is to improve beneficiaries' quality of life, promoting activities to narrow the generation gap and encourage their active participation in social activities, with strict respect for their human rights. The number of programme beneficiaries rose from 2,778 in 2012 to 4,076 in 2016.

C. Housing

55. In 2013 the Housing Fund²² increased the direct subsidy received by beneficiary families to 35,000 quetzales. This increase of 15,000 quetzales is the result of a new housing design.

56. From 2012 to the end of the first half of 2014, 40,924 subsidies were approved and 29,822 houses were built or authorized.²³ In addition, a national housing plan, coordinated with the Government Plan 2012-2016, was adopted.

D. Employment

57. A national employment policy entitled "Creating Safe, Decent, Quality Employment 2012-2021" was adopted in 2012. Activities such as the Job Fair carried out under the

policy from 2012 to 2015 led to the creation of 114,390 new jobs in the formal sector of the economy. The employment exchange reported that 159,643 persons registered between 2012 and May 2016, of whom 49,112 were placed in a variety of different jobs and 2,731 received training.

58. The General Labour Inspectorate was restructured in 2013 and departmental directorates were set up and departmental delegates appointed. In 2012 regulations for the organization of the Ministry of Labour and Social Security were issued, and in 2013 three directives were issued for the establishment of a rapid response group to take action in the event of the closure of a business.²⁴ Directives were also issued on regular inspections of companies receiving benefits under the Act on Promotion and Development of Export and Maquila Activities;²⁵ cases in which there is a complaint or report of the closure or dissolution, or the imminent closure or dissolution, of a business or workplace without payment of the required employment benefits;²⁶ and harmonization of criteria for the application of article 23 of the current Labour Code.²⁷ In 2014, the following directives were issued: a directive establishing standardized time frames for the work of the General Labour Inspectorate;²⁸ a directive for dealing with cases and internal procedures for the conciliation and inspection sections of the departmental delegations of the General Labour Inspectorate of Guatemala.²⁹

59. The General Labour Inspectorate hired 100 inspectors from 2012 to 2013, increased the number of visits to companies from 10,044 in 2012 to 30,552 in 2014, and dealt with 15,152 conciliation cases in 2012 and 19,576 in 2014. As a result of these actions, from 2012 to 2015 a total of 93,440 complainants benefited, and through operational plans a total of 1,500,968 benefited. Remedies were awarded as a result of legal proceedings in 1,715 cases in 2012 and 4,081 cases in 2014. In 2012, 337 regulations were adopted and in 2014, 745 were adopted.

60. With regard to verification of compliance with labour laws on occupational health and safety, from 2012 to 2015 a total of 7,903 visits were conducted to different companies, 2,169 committees were formed and 27,307 persons were trained, benefiting 279,223 persons overall.

E. Education (first cycle recommendations 89.41 and 89.42; second cycle recommendations 99.99, 99.58, 99.98 and 99.77)

61. The National Literacy Committee reported a 4.31 per cent decline in the illiteracy rate, which fell from 16.62 per cent in 2012 to 12.31 per cent in 2016, as a result of its efforts to increase literacy among the population over 15 years of age.³⁰

62. With a view to producing a multiplier effect, the literacy campaign has been linked with food security activities, with a special focus on women. Between 2012 and 2015, the number of women registered was consistently higher than the number of men. For example, in 2015, there were 108,476 women and 36,634 men.

63. As of 2014, 24 municipalities had been declared illiteracy-free.³¹ In order to strengthen the bilingual literacy programme, 50 literacy group supervisors were recruited in priority municipalities. Literacy materials are available in 17 Maya and Garifuna languages.

64. In order to promote access to and continuation of schooling, the Ministry of Education has implemented measures such as school transport subsidies, scholarships and guaranteed free education. The dropout rate in government schools for 2015 was estimated at 3.38 per cent nationwide at the primary level, 6.58 per cent at the intermediate level and 5.62 per cent at the upper secondary level.³²

Students with disabilities

65. The Ministry of Education has a scholarships programme for students with disabilities attending government schools at the preschool, primary and secondary levels. The programme provides 1,000 quetzales annually, which is disbursed to the child's parents, guardians or other representatives who meet the requirements of the relevant regulations.³³ Between 2012 and 2016 a total of 4,270 scholarships were awarded.

66. The Department of Extramural Education offers inclusive extramural educational services to enable students to complete their schooling and receive vocational training in technical areas; 232 people benefited in 2017. Records of services provided to students with disabilities indicate that the number served fell by 5,426 between the period 2012 and 2016, ending the period with a total of 13,579. With regard to teachers for persons with disabilities, the number of teachers trained and hired rose by 17 during the same period, reaching a total of 280 in 2017.

67. Investment in services for persons with disabilities has increased year by year. In 2016, the amount invested represented 0.28 per cent of the overall budget of the Ministry of Education, having risen from 27,319,382 quetzales in 2012 to 39,456,190 in 2016.

Bilingual and intercultural education

68. The General Directorate for Bilingual and Intercultural Education within the Ministry of Education has a professional development programme for teachers, which is offered in coordination with the University of San Carlos of Guatemala. It is a continuing education programme for teachers employed by the Ministry of Education, which seeks to improve the quality of educational services, bearing in mind the country's multilingual, multi-ethnic and multicultural context. In 2013, 5,072 bilingual teachers were trained at the national level.

69. Currently, 13,095 teachers are receiving a bilingualism bonus for their role in making the development of intercultural bilingual education a reality.³⁴ In 2016, 1,572 teachers received scholarships to enable them to enrol in the intercultural bilingual education training programme.

70. The Strategy for Achieving Quality Education for Guatemalan Children and Youth, launched in 2012, made ensuring the availability of preschool education throughout Guatemala a national priority. In 2013 textbooks were distributed free of charge to students at the preschool, primary, bilingual preschool and lower secondary levels in government schools, in line with the specifications of the basic national curriculum and the cultural characteristics of each region.

71. As part of the curriculum reform process, a curriculum was developed through regional curriculum planning for the Maya community at the preschool, primary and lower secondary levels. Regional curriculum planning for the Garifuna and Xinca peoples has been completed for the preschool and primary levels.

72. In 2014, 151,218 preschool textbooks and 178,220 for primary school textbooks were printed in the Maya, Garifuna and Xinca languages, for a total of 329,438 textbooks.

73. In 2013, a total of 6,000 primary schools nationwide had been classified as bilingual schools, enabling teachers to employ curricular and teaching strategies in the classroom to develop competencies rooted in the knowledge and languages of the various sociolinguistic peoples and communities.

F. Health

74. There has been an increase in health-care visits, follow-up visits, new patients and emergency cases treated in the country's hospitals, with the number rising from 20,539,031 in 2012 to 28,861,361 in 2015.

75. In 2013, the Ministry of Health approved the National Plan for the Reduction of Maternal and Neonatal Mortality 2015-2020,³⁵ which builds on and updates the work done under the Action Plan for the Reduction of Maternal and Neonatal Mortality and the Improvement of Reproductive Health 2010-2015. The plan is being updated on the basis of statistical records of obstetric events and progress in the implementation of evidence-based procedures.

76. An inclusive health-care model introduced in 2016 sets out general guidelines for planning, organizing and developing the network of health services and strengthening

human resources. From 2015 to 2016, 259 nursing supervisors, 2,102 nursing assistants and 6,223 community facilitators were recruited to work in the health-care networks.

77. Following a severe shortage of medicines in national hospitals, in December 2016 the availability of medicines and surgical supplies rose to over 85 per cent in 25 hospitals, around 70 per cent in 15 and between 50 and 60 per cent in 4.

V. Specific groups

A. Women (second cycle recommendations 99.15, 99.20, 99.104, 99.10, 99.21, 99.22 and 99.25)

78. The Social Welfare Secretariat of the Office of the First Lady is promoting the "Secure Growth" programme, which targets women between the ages of 14 and 59 with limited resources. The programme is nationwide in scope, but focuses mainly on women living in rural areas. The aim is to help improve their productive capacities through the formation of small and microenterprises, called "productive units", by pooling public and private efforts to promote the socioeconomic development of vulnerable families and communities.

79. The establishment of gender units in all State agencies is mandatory.³⁶ There are currently 35 such units in the executive branch and 340 municipal women's offices. In addition, 60 municipal policies on security with equity have been approved.³⁷

80. Over the period 2012-2016 the Presidential Secretariat for Women advised 310 municipal women's units on the design and management of public initiatives, including projects, annual operational plans, municipal policies and functions manuals.

81. Within the Urban and Rural Development Council,³⁸ the Commission for Women was separated from the National Commission for Women, Children and Adolescents.³⁹

82. As part of its preventive activities, the Office for the Defence of Indigenous Women's Rights conducted 706 training sessions on the protection of indigenous women and their rights, training a total of 52,372 persons, including indigenous women, employees and public officials.

83. The judiciary has conducted campaigns to encourage reporting and prevent violence against women, including the "DiNoMásVíctimas" (Say "No" to More Victims) campaign. International Women's Day is observed each year on 8 March.

84. The Policy on Gender Equality and Promotion of Women's Human Rights, adopted by the judiciary in March 2016, is aligned with various international conventions incorporating a gender perspective and is aimed at ensuring equality and respect for human rights in the administration of justice. A guide has been developed setting out appropriate procedures and/or guidelines, with a victim-centred and gender-sensitive approach, in order to provide prompt, standardized, quality assistance to victims and survivors of violence. The guide is intended for use by justices of the peace and criminal, family and juvenile court judges, with an emphasis on security measures for victims.

85. Regarding the protection of indigenous women, the Office for the Defence of Indigenous Women's Rights has 14 branch offices across the country, which dealt with a total of 1,937 cases of violence against indigenous women during the period 2012-2016. In 760 of those cases, legal assistance was provided to women affected by various forms of violence, 46 per cent of whom did not pursue the process.⁴⁰ Social care was provided in 308 cases and psychological care in 869 cases (2,162 therapies).

86. In October 2015, after the National Coordinating Body for the Prevention of Domestic Violence and Violence against Women had been inactive for three years, amendments were proposed to the regulations for the implementation of the Act on the Prevention, Punishment and Eradication of Domestic Violence (set out in Government Order No. 831-2000), as a result of which the National Coordinating Body was moved

under the umbrella of the Ministry of the Interior and reactivated.⁴¹ In October 2016 the new members of the National Coordinating Body were sworn in.

87. In 2013, the Ministry of the Interior drew up guidelines designed to enhance understanding of legal instruments for promoting rights, providing protection and preventing domestic violence against women. These guidelines were distributed among personnel of the Unit for Community Prevention of Violence for promotion and dissemination throughout the country.

88. In 2014, the National Civil Police established a department for the investigation of crimes against women, which has been strengthened and its coverage has been expanded. The National Civil Police also adopted a protocol for referral of cases of femicide, domestic violence, trafficking in persons and illegal adoptions and the manual for the development of local violence prevention plans.

89. Since 2015, the Department for the Protection of the Rights of Women within the Office of the Attorney General has received and processed complaints in cases of domestic violence or failure by the person legally responsible to pay support for women or their minor children. The complaint is received and, through conciliation, a voluntary agreement is reached regarding maintenance payments, which must be approved by a family court judge. In case of non-compliance, measures are taken to payment of the amount owed.

90. In 2014, the judiciary established an ancillary services centre for the administration of family justice, which aims to improve access to justice for victims of domestic violence.⁴² Family courts of first instance were established to deal specifically with domestic violence cases, together with a justice of the peace court with responsibility for matters relating to children and adolescents whose rights have been threatened or violated and a family court of first instance responsible for determining the admissibility of complaints.

91. In October 2016 representatives from the Ministry of the Interior, the Ministry of Public Finance and the Congress met with a view to including a specific allocation for the operations of comprehensive support centres for women survivors of violence in the national budget for each fiscal year.

92. As concerns the political participation of women, of the country's 7,509,819 eligible voters, 4,033,867 are women and 3,465,952 are men — i.e. 577,915 more women than men, which reflects the trend over the past 10 years. Women's participation in electoral processes increased from 53 per cent in 2013 to 54 per cent in 2015. A total of 4,551 women ran for election to public office (as mayors or deputies) in 2015, an increase of 227 in comparison with 2012. The number of female deputies elected increased from 19 to 24 and the number of female mayors elected increased from 7 to 10.

93. In June 2016 the Supreme Electoral Tribunal adopted a gender equity policy aimed at promoting equity between men and women, and various workshops were held, at which a total of 1,097 persons received training, including 996 women.

94. Of the 158 deputies elected to the Congress for the legislative period 2016-2020, 19 were indigenous persons and 25 were women. The membership of the Congress has varied, however, owing to various legal situations.

95. The cabinet includes the Minister and Deputy Minister (both women) from the Ministry of Labour and Social Security, two deputy ministers from the Ministry of Education, and representatives of the Peace Secretariat, the Office for the Defence of Indigenous Women's Rights, the Guatemala Fund for Indigenous Development and the Presidential Commission on Discrimination and Racism against Indigenous Peoples, all of which are headed by indigenous persons.

96. In the area of employment, between 2012 and 2016 the Ministry of Labour and Social Security, through its Women's Employment Division, provided advice and guidance to 619 women and training to 17,165 persons on women's labour rights and obligations.

B. Children and adolescents (second cycle recommendations 99.88, 99.19 and 102.3)

97. In 2014, following the amendment of the cooperation agreement for 2012-2014 between the United Nations Children's Fund (UNICEF) and the Office of the Counsel General of Guatemala, the Counsel General's Office launched the implementation of the case investigation management model, the purpose of which is to restore the rights of children and adolescents through administrative channels, working on a case-by-case basis and avoiding victimization and unwarranted litigation. In July 2015, regulations for the provision of services for the protection of children and adolescents were adopted.⁶⁵

98. Decree No. 8/2015 amended the Civil Code by raising the age of marriage from 14 to 18 years, although judges may, at their discretion, grant permission to marry at 16 years of age provided there is a valid reason.⁶⁶

99. Since 2012 the operational unit for the Alba-Keneth Alert System has had an electronic registry of information on complaints. In 2015, the Counsel General's Office began using an intranet network to transfer information via the cloud. Social media have also been used to disseminate active alerts.

100. The Public Defenders Institute has a staff of 29 public defenders throughout the country, one in each department and/or municipality where there is a court for adolescents who are in conflict with the law. In Guatemala City, nine lawyers are assigned to handle cases involving adolescents in conflict with the law in courts with jurisdiction over such cases, including enforcement courts, justice of the peace courts and hearings conducted by videoconference.

Right to identity (second cycle recommendations 99.67, 99.68, 99.69, 99.70 and 99.71)

101. Between 2012 and 2016 the National Registry Office recorded 37,427 delayed birth registrations and registered 137,925 persons on school enrolment days. In 2015 an early birth notification system (*sistema de alerta temprana de vida*) was piloted in two municipalities, resulting in the registration of 169 children whose births were reported by 38 midwives involved in the pilot plan. The early birth notification system was implemented in 2016.

102. In indigenous communities, civil registrars have been instructed to speak the language of persons seeking to register births in order to ensure respect for their cultural identity.⁶⁷ A national plan to eliminate underregistration of births was introduced in 2013.

103. Between 2013 and 2016, 239 registry desks were opened with a view to identifying unregistered children; as a result, 443,774 persons were registered. The Public Defenders Institute has signed an agreement with the prison system and the Registry of Legal Persons to register children born to women deprived of their liberty.

104. Evidence of payment of the municipal maintenance tax (*boleto de ornato*) is no longer required for the registration of births in hospitals,⁶⁸ and births may now be registered regardless of the marital status of the parents.⁶⁹

Adoptions (second cycle recommendations 99.55 and 99.72)

105. The judiciary, the National Adoption Council and the Office of the Attorney General held a total of 12 workshops between 2012 and 2016, including on certification in the adoption process, follow-up of cases and training on specific adoption-related matters. A total of 320 people from various institutions were trained.

106. The Counsel General's Office, the Public Prosecution Service, the National Adoption Council and the International Commission against Impunity in Guatemala held round tables during the period 2012-2014 to review files on 116 pending adoptions, of which 4 remain to be finalized. Some anomalies were identified and the persons involved were apprehended.

107. The National Adoption Council has 164 registered homes, 128 currently operating and 36 closed. In May 2017, there were 4,906 institutionalized children, 4,640 of whom had

been placed in private homes (2,653 boys and 1,987 girls) and 266 were living in homes run by the Social Welfare Secretariat (135 boys and 131 girls).

108. As of June 2017, 192 unannounced visits had been made and four workshops had been held to train the staff of 75 shelters in matters relating to child protection.

109. For 2017, the unit responsible for authorization and oversight of shelters has a staff of 13 professionals: 5 social workers, 5 psychologists and 3 lawyers.

110. From 2015 to June 2017 guidance was provided to 156 biological fathers and mothers and follow-up services were provided to 155 families who kept their children or were reunited with them. A total of 175 children were placed with adoptive families and 188 were declared eligible for adoption. Information on the adoption process was provided to 4,076 families and post-adoption follow-up services were provided to 882 families. A total of 664 families considered qualified to adopt a child were identified.

Child labour (first cycle recommendation 89.13 and second cycle recommendations 99.17 and 99.83)

111. In 2016, a road map and strategic plan for 2016-2020 aimed at making Guatemala a country free of the worst forms of child labour were reformulated through a territorial approach. The road map is considered a tool for coordinating interventions and long-term objectives. It provides a basis for programming and integrating complementary interventions to prevent and eradicate child labour in the following areas: the fight against poverty, health policy, education policy, legal and protective framework, and social mobilization.

112. The internal regulations of the National Commission for the Eradication of Child Labour, its executive secretariat and the departmental committees for the prevention and eradication of child labour were drawn up and work was undertaken to develop an inter-agency protocol for handling and referring cases involving adolescent workers. Between 2012 and 2016, training was provided to 24,498 children and young people on issues relating to labour rights and obligations.

C. Persons with disabilities (first cycle recommendations 89.27 and 89.28; second cycle recommendations 99.26 and 99.100)

113. With regard to access to employment for persons with disabilities, between 2012 and 2015 the Ministry of Labour provided services to 600 people and assisted 87 in finding employment. In addition, it conducted 995 visits to private sector companies to raise awareness and promote the inclusion of persons with disabilities.

114. In May 2015, an inclusive employment project was launched with support from the German Agency for International Cooperation. The project promotes competitive employment and decent work for persons with disabilities and has assisted 125 young persons with disabilities in finding jobs or starting a business.

115. The report on the second national survey of disability in Guatemala, released in 2016, presents data on the prevalence of disability in Guatemala among both children and adults. The figures indicate that 10.2 per cent of the population have a disability of some kind.

D. Indigenous peoples (first cycle recommendations 89.8 and 89.37; second cycle recommendations 100.2 and 99.107)

116. The Indigenous and Intercultural Affairs Cabinet was formed in April 2013 as a high-level advisory and deliberative body on indigenous peoples' issues.⁶⁶ It is headed by the President and comprises representatives of 14 ministries and institutions with a specific mandate to deal with matters relating to the Maya, Garifuna and Xinca peoples.

117. The system of development councils is the primary means of participation by the Maya, Xinca and Garifuna peoples in the governance of the democratic development

planning process, reflecting the principles of national unity, multi-ethnicity, multiculturalism and multilingualism of the Guatemalan nation.

118. Proposals for the investment of the budget allocated to the departmental development councils originate from the community development councils. Priority is given to projects in the areas of education, health, water and sanitation. Since 2014 civil society has participated, having at its disposal 5 per cent of the departmental budget ceiling for strategic high-priority inter-municipal projects.⁵⁰ At both the departmental and municipal levels, emphasis is placed on the distribution of resources to areas characterized by poverty and extreme poverty.

119. From 2016 to 2017, community development councils participated in a total of 5,450 projects financed from the resources allocated to the departmental development councils. The total amount invested was 4,214,675 quetzales.

120. In March 2015, the Working Group on Indigenous Peoples was established within the National Urban and Rural Development Council.⁵¹ Among other functions, the Working Group participates in formulating and following up on national development policies and plans to ensure the recognition, respect and promotion of the country's multilingual, multi-ethnic and multicultural character. During the period 2015-2017 the group held 12 meetings.

121. During the period 2016-June 2017, the Technical Directorate for Intangible Heritage of the National Urban and Rural Development Council fostered communication with members of the Commission on Sacred Sites and Associations of Spiritual Guides (*taq'iq'ab'*) to disseminate the content of ministerial agreements regulating the performance of Mayan spiritual rituals at the archaeological sites, centres and parks.⁵²

122. Efforts are under way to update information on intangible cultural expressions that have been designated as part of the intangible cultural heritage of the nation, as well as to reestablish contacts with groups with proposals for future designations awaiting evaluation. Contacts have also been established with representatives and bearers of cultural elements that are part of the Representative List of the Intangible Cultural Heritage of Humanity, including the *Nam Pa'ch* ceremony, the *Rabinal Ach'i* drama and the theatre, dance and language of the Garifuna.

123. Training has been provided to municipal authorities, artisans and researchers with the support of the Government of Azerbaijan, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Directorate of Intangible Heritage, and two training sessions have been conducted by trainers from UNESCO.

124. With regard to cultural rights, a video on the expression of the Garifuna culture in the municipality of Livingston (Izabal Department) was made with support from the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America, and a project to safeguard the Itz'a language is being carried out in the central part of Petén Department. As part of a third project, the Regional Centre approved the recruitment of an expert on the assessment of the status of intangible cultural heritage in Guatemala; the information that she compiles will guide future investment in the short term of international funding for the safeguarding of intangible Guatemalan cultural expressions.

125. With a view to ensuring the involvement of rural women in the development process, the Ministry of Agriculture, Livestock and Food is implementing the Institutional Policy and Strategic Framework for Gender Equality 2014-2023, the aim of which is to mainstream the gender perspective within the Ministry in order to strengthen institutional capacity to address the development needs of rural women.

126. Concerning land disputes, the Agrarian Affairs Secretariat has 19 regional offices and since 2013 has had a special unit responsible for designing and implementing activities with cultural relevance for indigenous peoples. In 2016 a guide on culturally relevant support for users was produced for use as an instrument to facilitate assistance.

127. In 2013 the judiciary established a centre for legal interpretation and translation in indigenous languages, and by 2016 a total of 8,000 hearings had been conducted in Mayan languages.

128. The Public Defenders Institute has provided interpretation and assistance in 6,602 cases and overseen 547 cases with cultural relevance at the national level. It has also spearheaded the resolution of six emblematic cases with cultural and gender relevance dealt with by courts for children and adolescents in conflict with the law, including courts of first instance in criminal matters, courts responsible for cases involving drug trafficking and crimes against the environment in the Department of Huehuetenango and the Constitutional Court. In some instances, these cases involved challenges against decisions violating human rights and the rights of indigenous peoples.

International Labour Organization (ILO) Convention No. 169 and the right to consultation (first cycle recommendation 89.12; second cycle recommendations 99.11, 99.109, 99.110, 99.111, 100.9, 99.106, 100.22, 100.23, 100.24, 100.26 and 100.27)

129. After failed attempts to agree on and adopt an instrument to regulate consultations with indigenous peoples in accordance with ILO Convention No. 169, in June 2016 the Ministry of Labour and Social Welfare set up a specialized team to formulate a new strategy to identify and compile the input required to develop basic standards for consultation with indigenous peoples. Participation in the events organized for that purpose was scant, however, and the strategy was therefore recast as an analysis of compliance with ILO Convention No. 169 twenty years after its ratification. As of December 2016, seven meetings had been held in six linguistic communities to hear the views of participants and thereby build a relationship between current authorities and indigenous peoples.

130. In response to Constitutional Court Order No. 1149-2012, the Ministry of Energy and Mines developed a proposed methodology for carrying out consultations through a seven-stage process. The proposal was accepted and endorsed by indigenous and ancestral authorities in Santa Maria Nebaj (Department of El Quiché).⁵² The Ministry launched consultations with those communities, their authorities and the municipal government in 2016.

131. On 8 June 2016, the Ministry of Energy and Mines signed an institutional agreement with the General Secretariat for Planning and Programming of the Office of the President, with the aim of strengthening territorial management and providing timely advance information in the territories where energy and mining projects are undertaken. The Ministry also opened information offices in the departments.

VI. Voluntary commitments

132. Pursuant to the voluntary commitments made by the State of Guatemala during the universal periodic review of 2012, and recalling its midterm report submitted on 15 April 2015, Guatemala reports the following:

A. Redesign the human rights institutional system (first cycle recommendations 89.2 and 89.24; second cycle recommendations 102.1, 99.18, 99.64, 100.10 and 100.16); Budget allocation (first cycle recommendations 89.25 and 89.33; second cycle recommendations 99.35 and 99.62); Human rights training (first cycle recommendation 89.6)

133. The Policy Agenda for Peace 2017-2026, developed for the implementation of the peace accords, identifies institutional commitments, stakeholders and responsibilities. In 2017, the Commission on Sacred Sites was brought under the umbrella of the Peace Secretariat to give effect to commitments relating to the identity and rights of indigenous peoples.

134. The State is continuing its efforts to reform the human rights institutional system. In 2013 the National Reparations Programme was extended to 2023,⁵³ and in 2015 a manual of basic criteria for the implementation of authorized reparation measures was approved.⁵⁴

135. The approved budget of the Presidential Commission against Discrimination and Racism rose from 5,985,751 quetzales in 2012 to 10,500,000 quetzales. The Institutional

Strategic Plan 2017-2021, adopted in March 2017, is intended to ensure the coordination of public policies and national legislation in order to consolidate the development and strengthening of national institutions to enable them to discharge their responsibilities effectively.

136. As called for under the National Policy on Disability, the National Council for Persons with Disabilities has spearheaded the creation of municipal disability offices in 10 municipalities and 21 departmental commissions on disability.

137. The budget of the Office for the Defence of Indigenous Women's Rights increased from 16,168,476 quetzales in 2012 to 19,187,254 quetzales in 2017; during the same period two regional offices were opened, bringing the current total number to 14.

138. The Office of the Human Rights Advocate established a Sexual Diversity Unit in 2014.

B. Continue the policy agenda to strengthen the specialized justice system to protect women

Violence against women (second cycle recommendations 99.36, 99.38, 99.40, 99.16, 99.33, 99.42, 99.43, 99.44, 99.45, 99.46, 99.48, 99.41 and 99.61) Specialized justice (femicide and violence against women) (first cycle recommendation 89.15; second cycle recommendations 102.2, 99.31, 99.33, 99.34, 100.12, 100.13 and 99.32)

139. There are special courts in 12 of the 22 departments of the country, with a total of 31 judicial bodies, including courts and tribunals, an Appeals Chamber and a comprehensive support system for victims of violence, which comprises psychologists, social workers and childcare workers.

140. The National Forensic Science Institute of Guatemala adopted guidelines in February 2015 for conducting forensic medical examinations of victims of sexual abuse, which describe the procedure to be followed in examining women victims of sexual violence and gathering evidence. The guidelines include appendices containing forms for obtaining informed consent for medical examinations and related procedures, recording the findings of forensic medical examinations in sexual assault cases and listing items of evidence.

141. With regard to data collection, the system for recording and monitoring requests for expert appraisals from the National Forensic Science Institute makes it possible to consolidate all expert appraisal information on a single platform. The system has the following features: (a) decentralized access from any unit of the National Forensic Science Institute (650 registered users); (b) consolidated online information (95.11 per cent availability nationwide); (c) data entry on a single information platform; (d) queries and reports, based on the information, for follow-up and monitoring of requests; (e) publication of numerical data on the web; (f) interaction with agencies (Public Prosecution Service, the courts, National Registry of Persons, National Civil Police).

142. Pursuant to Directive 02-2017, the Office of the Prosecutor for Femicide Cases has jurisdiction to investigate, prosecute and try cases involving the offences of femicide, murder, parricide and killing or attempted killing of one or more girls or adolescent or adult women. It has nationwide jurisdiction in accordance with criteria established by the Office itself, except where the act was the involuntary result of a culpable act, in which case it falls to the municipal and district prosecutors' offices to handle and investigate the case.

143. To meet the need for services, the Public Prosecution Service is structured as follows: Director, Deputy Director, four investigation units, one litigation unit, one analysis unit, drivers, one victim assistance unit, and prosecutorial and clerical staff, for a total of 57 staff.

144. Public Prosecution Service records show a total of 71,504 women victims of sexual violence for the period 2012-June 2017.⁵⁵ In the same period, 263 training events were conducted on issues relating to violence against women and a total of 4,532 people received training (2,589 women and 1,942 men).

145. In 2014, a referral protocol for cases of domestic violence, femicide, human trafficking and illegal adoption was adopted and a manual for delegates was issued, along with tools, including a flip chart, for developing local plans for the prevention of violence.

146. A tool was applied for the incorporation of a human rights and a gender perspective in sentencing for offences of femicide and other forms of violence against women. Two events have been held with a view to strengthening specialized justice, one on appropriate reparation for victims of violence against women and sexual violence (70 participants) and one inter-agency meeting on the assessment of evidence in cases of femicide, violence against women and sexual violence (65 participants from the judiciary, the Public Prosecution Service, the Public Defenders Institute, the National Civil Police and the Ministry of Health).

C. Programme of protection for journalists

147. In October 2015 a report on progress in developing a system for the protection of journalists was issued. The report describes the efforts of State institutions, associations of journalists and independent journalists and outlines the work undertaken from February 2013 to September 2015, the progress made and the dissemination of and consultations on the proposal for a system for the protection of journalists. The system is being developed through a methodology calling for the establishment of a high-level commission responsible for oversight and policy decisions, composed of representatives of the Presidential Commission for Coordinating Executive Policy in the Field of Human Rights, the Ministry of the Interior and the Public Prosecution Service, with a mandate in the areas of prevention, protection and the administration of justice. The process has been supported by UNESCO, OHCHR and the Media Secretariat of the Office of the President.

148. The proposal put forward by the State was rejected by the press guild in February 2016, which led to the establishment of an inter-agency round table of representatives of the Government and press organizations. It was agreed that, in order to make the proposal a reality, it was necessary to ensure inter-agency coordination, protect those who might be threatened for their work as journalists and safeguard freedom of expression. As a result, it was agreed that a new process would be launched.

149. In November 2016, the President of Guatemala initiated the process of issuing a government order to create a protection programme for journalists and other mass communication practitioners with the aim of ensuring their ability to carry out their work freely.

150. The programme will be implemented in the Human Rights Office of the Ministry of the Interior, which will establish the legal procedures for the programme and the applicable processes. The programme will cover any harm to the physical or psychological well-being of journalists and any threats, harassment or intimidation suffered by journalists or other mass communication practitioners in connection with their work. The Ministry of the Interior will be responsible for issuing the regulations governing the specific activities of the programme and for providing the necessary resources for its activities. The government order establishing the protection programme for journalists is currently being reviewed by the various trade unions and associations of journalists.

151. The Public Prosecution Service reports that during the period 2012-June 2017 it received a total of 372 complaints relating to the killing of or threats and violent attacks against journalists; verdicts have been handed down in 17 cases, including 2 acquittals and 6 convictions for killing offences and 1 acquittal and 8 convictions for other offences.

D. Continue implementing the permanent recommendation follow-up system, which was created by the Presidential Human Rights Commission and provides for the participation of civil society and will enable the country to submit a midterm report on the progress made in implementing the recommendations received (first cycle recommendation 89.43; second cycle recommendation 99.12)

152. In May 2017 Guatemala and Paraguay signed a technical cooperation agreement for the installation of a recommendation follow-up system called SIMORE, which is a public online platform for monitoring the implementation of international recommendations on human rights.

153. The platform will come under the responsibility of the Presidential Human Rights Commission, which, through the Inter-agency Forum (comprising all institutions of the executive branch), will train the delegates who will be responsible for posting information online about all institutional actions taken in response to recommendations issued by human rights protection bodies. The country will thus have an up-to-date database of information that will facilitate, streamline and expedite the process of drafting the reports of Guatemala to treaty bodies and other reports.

154. Training is to be provided by Paraguayan officials in October 2017 in follow-up to the implementation of SIMORE, which in Guatemala will be called SIMOREG. Inputting of information into the platform is scheduled to start in 2018; information on progress on the Sustainable Development Goals will also be posted on SIMOREG.

155. One of the challenges associated with SIMOREG will be to strengthen the participation of civil society organizations at the national level in following up on the recommendations of the universal periodic review and other human rights protection bodies.

VII. Emerging issues

156. Recognizing that the issue of business and human rights requires knowledge and expertise, Guatemala has carried out a process, with the agreement of concerned parties, to engage a specialized body or consortium to provide support to national actors. Five entities were invited to participate in the selection process, and proposals were received from two of them. The process is currently at a standstill, however, as it has not been possible to reach consensus on a body to advise the country on the development of an action plan for the implementation of the United Nations Guiding Principles. Guatemala would welcome international support and cooperation from other States in sharing their experiences and best practices in the design and implementation of their national plans.

Notes

¹ Informe de Transición de Gobierno, SEGEPLAN 2016.

² El Foro Interinstitucional es un espacio coordinado por COPREDEH, en el que participan todas las dependencias del Ejecutivo; y como invitados especiales el Organismo Judicial, Ministerio Público, así como otras instancias del Estado.

³ Consulta Nacional con Sociedad Civil, sobre recomendaciones del EPU. Quetzaltenango (10 noviembre 2016); Sacatepéquez (5 diciembre 2016); Huehuetenango (7 marzo 2017); Petén, Cobán (4-6 de abril 2017); Zacapa, Jutiapa (16, 17 de mayo 2017).

⁴ Política Pública para la Convivencia y la Eliminación del Racismo y la Discriminación Racial. Aprobado por el Acuerdo Gubernativo número 143-2014.

⁵ Ministry of the Interior.

⁶ Policía Nacional Civil.

⁷ Dirección Especializada de Investigación Criminal.

⁸ Dirección de Protección a Personalidades y Seguridad.

⁹ Ventanillas habilitadas No.2, No.5 y No.7; y se instalaron 2 buzones para la recepción de quejas, con boletas de atención a usuarios.

- ¹⁰ Instrucción General del Ministerio Público. No 04-2014.
- ¹¹ Aprobado a través de las instrucciones General números 3-2017 y 4-2017, el cual, se oficializo al publico el día 28 de julio del 2,017, fecha en que entró en vigencia a nivel nacional.
- ¹² Informe del Ministerio Público. OFICIO No. SPAE-152-2017. (COPREDEH-60-2017). Guatemala, 26 de julio del 2017.
- ¹³ Informe P-371-2017 del Organismo Judicial. 10 de noviembre 2016. Anexo I. Folio 145.
- ¹⁴ Acuerdo Gubernativo No. 149-2015, el 22 de junio de 2015).
- ¹⁵ Decreto 49-2016.
- ¹⁶ <http://dgsp.gob.gt/ampliacion-cof/>.
- ¹⁷ Ministerio Público. OFICIO No. SPAE-152-2017. (COPREDEH-60-2017). Guatemala, 26 de julio del 2017.
- ¹⁸ El 22 de enero del 2016, a través del Acuerdo número cero seis guión dos mil dieciséis (06-2016) de la Fiscal General de la República y Jefa del Ministerio Público.
- ¹⁹ Está integrada por Agentes Fiscales, Auxiliares Fiscales, Oficiales de Fiscalía, Personal Técnico Administrativo, Personal Técnico de Investigación Criminal y una Unidad de Análisis.
- ²⁰ Priorización según las tasas identificadas mediante el Tercer Censo Nacional de Talla en Escolares (2008).
- ²¹ El PNAE basa sus intervenciones en cuatro componentes: a) Calidad Nutricional, b) Educación Alimentaria y Nutricional, c) Ambientes o Entornos Saludables y d) Participación Ciudadana; y en tres ejes transversales (coordinación intersectorial, fortalecimiento de capacidades y el monitoreo y evaluación).
- ²² Fondo para la Vivienda. (FOPAVI), tiene como objetivo específico otorgar subsidios directos a personas en condiciones de pobreza y pobreza extrema para la solución habitacional. El FOPAVI administra el Fideicomiso de Inversion para la Vivienda (FIV), destinado al desembolso de subsidios directos para que las personas puedan construir o adquirir una vivienda digna.
- ²³ Fuente: Informe del Fondo para la Vivienda (FOPAVI). Oficio -DE-358-2014/VL/sr de 23 de julio de 2014. Pág. 2*Información preliminar a junio de 2014.
- ²⁴ Decreto 29-89 del Congreso de la República de Guatemala Ley de Fomento y Desarrollo de la Actividad Exportadora y la Maquila; Acuerdo Ministerial 160-2013.
- ²⁵ Acuerdo Ministerial 243-2013.
- ²⁶ Acuerdo Ministerial 111-2013.
- ²⁷ Correlativo. D-IGT-158-2013-JAAH-crgl.
- ²⁸ Acuerdo Ministerial del Ministerio de Trabajo Acuerdo Ministerial 112-2014.
- ²⁹ Correlativo IGT-370-2014 JAAH/jaom.
- ³⁰ <http://www.conalfa.edu.gt/>.
- ³¹ Importante recordar que estos municipios implica que se ha alcanzado un nivel inferior del 4%, considera un índice internacional aceptado, ya que hay grupos de población que por razones de edad, salud, o discapacidad no pueden integrarse al proceso educativo.
- ³² <http://estadistica.mineduc.gob.gt/anuario/2015/data/Resultado.htm?Nivel=43&Depto=00&Pob=3&Inf=4&Sector=0&Desgloce=1&Submit=Mostrar+cuadro>.
- ³³ Acuerdo Ministerial 2539-2007 (creación del Programa) y reformas (428-2009 y 3276-2011) y Reglamento del Programa de Becas para estudiantes con discapacidad de escuelas oficiales: Acuerdo Ministerial 826-2009 y su reforma 2987-2011. Así como con el Acuerdo Gubernativo No. 55-2016 "Reglamento de manejo de subsidios y subvenciones".
- ³⁴ Acuerdo Gubernativo 22-2004.
- ³⁵ Aprobada a través del Acuerdo Ministerial No. en julio de 2015.
- ³⁶ Acuerdo Gubernativo 260-2013 y Decreto 39-2016 Reformó el Código Municipal.
- ³⁷ Decreto 39-2016 Reformó el Código Municipal y norma la creación de la Oficina Municipal de la Mujer, la cual tendrá carácter de Dirección en la organización interna.
- ³⁸ Punto Resolutivo 6-2015, de CONADUR.
- ³⁹ La Comisión de la Mujer quedó integrada por instituciones gubernamentales, un representante del CONADUR, corporaciones municipales y de sociedad civil.
- ⁴⁰ Asistencia de la DEMI en casos: 387 de violencia física, 209 violencia psicológica; 69 de carácter sexual y 86 de carácter económica.
- ⁴¹ Propuesta presentada por la SEPREM, el Tercer Viceministerio del MINGOB, GGM, SVET, PGN y DEMI.
- ⁴² Acuerdo 27-2014 del Organismo Judicial.
- ⁴³ Acuerdo Institucional de la Procuraduría General de la Nación No. 124-2015 del 27 de julio de 2015.
- ⁴⁴ Acuerdo anexo II, Legislación y Políticas.
- ⁴⁵ Circular No. 38-2016, del Registro Nacional de las Personas (RENAP).
- ⁴⁶ Exoneración del Boleto de Ornato en Hospitales. Expediente No.2339-2015 Corte de Constitucionalidad.
- ⁴⁷ Inconstitucionalidad 1006-2014 contra el artículo 215 del Código Civil.

- ⁴⁸ Creado mediante decreto 117-2014.
- ⁴⁹ Punto Resolutivo 03-2016 que aprobó el Consejo Nacional de Desarrollo Urbano y Rural (CONADUR), para dar cumplimiento a la Política Nacional de Gobierno; asimismo a través del Punto Resolutivo 05-2014 aprobado por el CONADUR se da participación a la sociedad civil en las instancia de los CODEDE para disponer de un 5% del techo presupuestario del Departamento.
- ⁵⁰ Punto Resolutivo 11-2015 del CONADUR.
- ⁵¹ Acuerdo del Ministerio de Cultura y Deportes. 981-2011 y 1171-2012.
- ⁵² La CC en el Expediente 1149-2012 del 10 de septiembre de 2015 *"ordena al Ministerio de Energía y Minas que tome las medidas necesarias para que se practique la consulta a las comunidades indígenas a las que interese y afecte, conforme los estándares internacionales aplicables, respecto a la instalación de la central generadora hidroeléctrica "La Vega I"*.
- ⁵³ Acuerdo Gubernativo 593-2013, del 27 de diciembre de 2013.
- ⁵⁴ Resolución No. 001-2015 de la Comisión Nacional de Resarcimiento, del 7 de enero de 2015.
- ⁵⁵ Ministerio Público OFICIO No. SPAE-152-2017 (COPREDEH-60-2017). Guatemala, 26 de julio del 2017.



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Compilation on Guatemala

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Committee on the Elimination of Racial Discrimination urged Guatemala to ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance,³ and recommended that it ratify the amendment to article 8 (6) of the International Convention on the Elimination of All Forms of Racial Discrimination.⁴

3. Two Committees called on Guatemala to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁵

4. The Committee on Economic, Social and Cultural Rights encouraged Guatemala to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁶ The Committee against Torture invited Guatemala to consider acceding to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.⁷

5. Two Committees called on Guatemala to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.⁸

6. The Committee on Economic, Social and Cultural Rights recommended that Guatemala ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).⁹

7. In March 2014, the 2005 agreement establishing a country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Guatemala was

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extended for the third time, for three years.¹⁰ In March 2012, the High Commissioner undertook an official visit to Guatemala and in 2014, the Deputy High Commissioner visited the country. Guatemala made financial contributions to OHCHR in 2012 and 2013.¹¹

III. National human rights framework¹²

8. OHCHR referred to the commitment of Guatemala, under the second cycle of the universal periodic review, to maintain its permanent system for follow-up to recommendations, in cooperation with civil society. It urged Guatemala to implement, in a coordinated manner and in consultation with civil society, the recommendations from United Nations human rights mechanisms.¹³

9. The Committee against Torture recommended that Guatemala ensure that the appointment of members to the national preventive mechanism complied fully with the relevant provisions of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and that the mechanism had the necessary resources to fulfil its mandate independently and effectively.¹⁴

10. OHCHR noted that the Inter-American Court of Human Rights had issued two orders declaring Guatemala in contempt for violation of its obligation to comply with 13 of its judgments, and had reiterated that provisions adopted domestically could not be used as justification for non-compliance with its rulings, including in the case of amnesties, even if they came from the highest court in the country.¹⁵

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹⁶

11. OHCHR noted that indigenous peoples continued to be victims of racial discrimination, inequality and exclusion. A total of 79.2 per cent of indigenous peoples in Guatemala were living in poverty.¹⁷

12. The Committee on the Elimination of Racial Discrimination reiterated its concern that there was no national legislation defining as an offence punishable by law the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination or racially motivated acts of violence.¹⁸

13. The Committee on Economic, Social and Cultural Rights regretted that, despite legislative amendments, inequalities between men and women persisted. It noted with concern the disadvantaged situation of indigenous women.¹⁹

14. While noting the establishment of the Office of the Ombudsman for sexual diversity, the same Committee regretted the persistence of discrimination on the grounds of sexual orientation in employment, housing, access to education and health care. It recommended that Guatemala ensure that lesbian, gay, bisexual and transgender persons were not discriminated against on account of their sexual orientation or gender identity.²⁰

2. Development, the environment, and business and human rights²¹

15. The United Nations country team expressed its concern about the human rights impact of projects to exploit natural resources, including mining and hydroelectric projects, and highlighted weaknesses in environmental impact studies, which did not include analysis of social impacts, and in the development of appropriate mitigation measures.²²

B. Civil and political rights

1. Right to life, liberty and security of person²³

16. The Committee against Torture invited Guatemala to consider abolishing the death penalty and, in the meantime, urged it to maintain its *de facto* moratorium.²⁴ OHCHR highlighted the fact that the Constitutional Court had declared unconstitutional the application of the death penalty in cases of qualified homicide,²⁵ and recommended that Congress adopt bill No. 5100 for the definitive abolition of the death penalty.²⁶ The Committee against Torture urged Guatemala to strengthen the National Civil Police as soon as possible, with a view to ensuring a prompt end to army intervention in public security activities.²⁷

17. The United Nations country team stated that Guatemala continued to face serious problems with violence and organized crime, including high levels of homicides, sexual violence, disappearances, forced recruitment into criminal gangs and extortion. Since the second universal periodic review, more than 20,000 people had died as a result of violent crime.²⁸

18. In 2017, OHCHR stated that despite a modest reduction in the number of violent deaths over the previous two years, Guatemala had continued to face serious problems of violence and organized crime.²⁹ Noting the approval in 2014 of the National Policy for Violence and Crime Prevention, Citizen Security and Peaceful Coexistence 2014-2034, OHCHR stated that the Government's response to violence and insecurity remained predominantly reactive and without a focus on structural causes.³⁰

19. OHCHR called upon the Ministry of the Interior to ensure that all private security companies were registered, as required by law, and that their activities were properly monitored.³¹

20. In March 2017, referring to the death in a fire of 41 girls who had been locked inside the government-run youth shelter, Hogar Seguro Virgen de la Asuncion, the United Nations Deputy High Commissioner for Human Rights stated that the cause and circumstances of the tragedy should be investigated and that those responsible must be brought to justice. She underscored the need for profound reforms to the child welfare system.³²

21. In December 2016, OHCHR condemned the violent incidents which had led to the deaths of five transgender women and urged the authorities to protect the lives and integrity of lesbian, gay, bisexual, transgender and intersex persons.³³

22. The Committee against Torture noted with concern that the fate of over 40,000 alleged victims of enforced disappearance during the armed conflict were still unknown and recommended that Guatemala establish an independent commission to search for them. It also recommended setting up a national register of disappeared persons to facilitate the search.³⁴

23. The Committee against Torture was concerned at reports of the use of police violence, including ill-treatment, when a person was arrested and before they were brought before the competent judicial authority.³⁵ OHCHR indicated that in 2016, there had been a significant increase in the number of National Civil Police officers sanctioned for infractions including for abuse of authority, aggression, extortion and drug trafficking.³⁶ The Committee against Torture recommended that Guatemala ensure that impartial and effective investigations into all reports of torture and ill-treatment were carried out without delay.³⁷

24. OHCHR underscored that reforms were still outstanding to the law on police to ensure the implementation of the new police model envisioned in the peace agreements, including the strengthening of internal controls and establishment of a professional career track.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

25. OHCHR stated that the Attorney General's Office, in cooperation with the International Commission against Impunity in Guatemala, had continued to achieve

significant results throughout 2016 in the fight against corruption and impunity, targeting criminal structures. Prosecutions had included public officials of the three State branches and businessmen.⁴⁰ In 2015, several government officials had resigned, including the President and the Vice-President, as a consequence of corruption networks being revealed after investigations conducted by the Attorney General's Office, in coordination with the International Commission.⁴¹ The Secretary-General of the United Nations welcomed the renewal of the International Commission and stressed that it was important to uphold democratic principles and the rule of law in order to ensure the change needed to strengthen democracy in Guatemala.⁴²

26. OHCHR noted that the progress made had helped pave the way for public discussions on justice reforms, which in turn had led to a bill containing proposals for constitutional reform.⁴³ The Deputy High Commissioner for Human Rights commended the engagement of the three State branches in proposals for constitutional reforms in the area of justice, but was disappointed that debates on the reforms had been stalled and the recognition of indigenous jurisdiction rejected. It encouraged Congress to move ahead with adopting the bill without undermining either the essence or the coherence of the reform.⁴⁴ United Nations experts stressed that constitutional reforms in the area of justice must include protection of the rights of indigenous peoples to maintain and strengthen their justice system, guarantees of respect for multiculturalism and gender equality in access to the justice system, constitutional guarantees of a professional career track and the establishment of selection mechanism that eliminate the risk of politicization and conflicts of interest, and a model for the separation of the administrative and jurisdictional functions of the Supreme Court of Justice that assured the full independence and impartiality of the judiciary.⁴⁵ OHCHR noted that, pending approval of the constitutional reforms, Congress had adopted amendments to the foundational law of the Attorney General's Office and the law on the judicial career, which had helped to strengthen judicial independence.⁴⁶

27. The Deputy High Commissioner for Human Rights considered that progress on the fight against corruption and impunity for past and present human rights violations would not take hold as intended unless and until the pending structural changes to the country's justice system were carried out.⁴⁷

28. OHCHR stated that high-risk courts had played a crucial role in combating impunity for past and present human rights violations. However, some judges faced constant attacks and intimidation, including one who had handled major transitional justice cases.⁴⁸ The Deputy High Commissioner for Human Rights expressed concern at the increasing hostility directed towards judicial actors engaged in the fight against impunity, as illustrated by the attacks against the Attorney General and several judges presiding over high-profile corruption case.⁴⁹ OHCHR urged the judiciary to develop and implement a protection protocol for cases of threats and attacks against judges, especially those involved in high-impact cases, with the goal of protecting their security and that of their families in a systematic and comprehensive manner.⁵⁰

29. Likewise, OHCHR was deeply concerned at the ongoing misinformation and smear campaigns directed against the International Commission against Impunity in Guatemala and its head.⁵¹

30. OHCHR stated that the process for selecting high-level judicial authorities was characterized by the lack of objective and transparent criteria.⁵² The Committee on the Elimination of Racial Discrimination recommended that Guatemala continue to strengthen the independence of the judiciary and that it strengthen the Office of the Prosecutor for Human Rights.⁵³

31. On transitional justice, the Committee on the Elimination of Racial Discrimination welcomed the action taken to combat impunity, including the bringing to trial of high-profile cases such as the Sepur Zarco case. It also welcomed the Constitutional Court's position on the inadmissibility of amnesty orders or time limitations for the prosecution of grave human rights violations.⁵⁴ However, it was concerned about the numerous challenges remaining, as demonstrated by the annulment of the judgment against Efraín Ríos Montt, and the fact that State institutions had issued statements on the legal merits or status of some cases before the courts had issued their decision.⁵⁵ OHCHR stated that the delay in

39. The United Nations country team underscored that there had been reports of alleged misuse of criminal trials in connection with social protests defending the rights to land, territory and natural resources and that those trials had been characterized by irregularities and delays.⁵⁹

40. The High Commissioner for Human Rights expressed concern that the governmental agreement on the mandate of the Unit for the Analysis of Attacks against Human Rights Defenders of the Ministry of the Interior had not been renewed.⁶⁰ OHCHR recommended strengthening the risk-analysis procedure and the protection measures for human rights defenders, taking due account of gender and cultural aspects.⁶¹ OHCHR stated that in September 2016, the Presidential commission for coordinating executive policy in the field of human rights had launched the development of a public policy on human rights defenders.⁶²

41. The United Nations Educational, Scientific and Cultural Organization (UNESCO) urged Guatemala to decriminalize defamation and consider taking advantage of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.⁶³ UNESCO urged the Government to continue to investigate the cases of killed journalists.⁶⁴ OHCHR urged the authorities to ensure the prompt establishment of a mechanism to protect journalists.⁶⁵

42. The ILO Committee of Experts on the Application of Conventions and Recommendations noted with regret that for a number of years, it had been examining allegations of serious acts of violence against trade union officers and members, including numerous murders and the related situation of impunity. While duly noting that certain measures had been adopted, it noted the tragic lack of progress in that area. It firmly urged the Government to continue making every effort to investigate those acts to determine responsibilities, taking fully into consideration the trade union activities of the victims.⁶⁶

43. The United Nations country team noted that no progress had been made in the representation of women in elected public office.⁶⁷ The Committee on Economic, Social and Cultural Rights recommended that Guatemala combat gender stereotypes by promoting equal representation of men and women in public office.⁶⁸

44. OHCHR stated that representation of indigenous peoples in State institutions at the highest level remained almost non-existent.⁶⁹ The Committee on the Elimination of Racial Discrimination recommended expanding the participation of indigenous peoples in the community development councils and ensuring that indigenous and African-descendant populations were appropriately represented in high-level positions.⁷⁰

45. The Committee on the Rights of Persons with Disabilities recommended that Guatemala ensure that all persons with disabilities were able to exercise their right to vote by secret ballot and to stand for election on an equal basis with others, in both urban and rural areas.⁷¹

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁷²

46. The Committee on Economic, Social and Cultural Rights was concerned that, despite efforts made, the pay gap between men and women remained considerable. It recommended that Guatemala guarantee equal remuneration for men and women and take specific measures to promote women in the labour market.⁷³

47. The Committee on the Elimination of Racial Discrimination expressed its concern at forced labour practices, and that the minimum wage was insufficient to provide a decent living for workers and their families. It recommended that Guatemala take all possible measures to reduce the size of the informal sector of the economy and to ensure fair, satisfactory working conditions.⁷⁴ OHCHR welcomed the President's decision in February 2016 to reject proposals to lower the minimum wage in four municipalities to promote manufacturing jobs. However, low wages remained a matter of concern.⁷⁵

48. OHCHR referred to threats against and intimidation of trade unionists, employees being dismissed for creating trade unions in the rural sector and the persistent failure to implement judicial orders to reinstate workers who had been illegally dismissed.⁴⁷

49. The ILO Committee of Experts urged the Government to eliminate the various legislative obstacles to the freedom to establish trade unions.⁴⁸

50. It requested the Government to intensify its efforts to guarantee and promote full compliance with trade union rights in the maquila sector.⁴⁹

2. Right to an adequate standard of living⁵⁰

51. The United Nations country team noted that Guatemala was one of the most unequal countries in the world in economic terms and in the areas of health, education and income distribution.⁵¹ OHCHR asserted that in 2014, the World Bank had declared Guatemala the country with the lowest public spending in the world in relation to the size of its economy.⁵²

52. The Committee on Economic, Social and Cultural Rights noted with concern that, despite measures taken by the State, the number of cases of acute malnutrition in children under 5 years old continued to be alarmingly high. It urged Guatemala to intensify its efforts to combat and prevent malnutrition among children, particularly those living in rural and remote areas, and to develop the mechanisms necessary to prevent the expansion of monocultures from exacerbating the food insecurity of rural communities.⁵³ OHCHR asserted that the development of an inter-institutional administrative protocol on children suffering from chronic malnutrition, which had been ordered by the Constitutional Court in 2016, was still outstanding.⁵⁴

53. The Committee on Economic, Social and Cultural Rights regretted the alarming level of poverty in rural areas, despite the establishment of the Rural Development Cabinet and the adoption of a plan of action targeting rural populations living in poverty. It recommended that Guatemala pass the bill on rural development with a view to effectively implementing the National Policy for Comprehensive Rural Development, increase the budget allocated to the Ministry of Social Development and adopt a human rights-based approach in the implementation of its programmes.⁵⁵

54. The same Committee noted the considerable shortage of social housing and was concerned about the large number of families living in informal urban settlements, particularly vulnerable to forced evictions, and about reports on forced evictions without prior consultation of the persons affected and without providing compensation, alternative housing or resettlement.⁵⁶

55. OHCHR highlighted that in 2017 there were 1,448 land conflicts in Guatemala, and stressed the need for measures to address the conflicts faced by many indigenous and campesino communities related to the administration of protected areas.⁵⁷

56. The High Commissioner expressed concern about the situation of some 100 families who had been displaced from their homes in the Laguna Larga community in the Petén region. The families, who were currently living on the border with the Mexican state of Campeche, had fled in anticipation of a forced eviction scheduled for 2 June, which had been ordered by a court without ensuring that firm resettlement and protection plans for the affected families were in place.⁵⁸

A. Right to health⁵⁹

57. OHCHR asserted that Guatemala faced an unprecedented health-sector crisis¹⁰⁰ and persistent challenges such as shortages of medicine, lack of medical staff and low levels of health-care coverage.¹⁰¹ The High Commissioner recommended increasing the budget allocated to health care, and adopting measures to consolidate a national health system accessible to all, without discrimination.¹⁰²

58. While noting the efforts Guatemala had made in the health sphere, the Committee on the Elimination of Racial Discrimination remained concerned that access to health continued to be limited in areas with higher indigenous populations. It reiterated its recommendation to formulate an intercultural health strategy with active participation by

indigenous peoples.¹⁰³ It also recommended that Guatemala ensure access to suitable and culturally appropriate health-care services in rural areas.¹⁰⁴

59. The Committee on Economic, Social and Cultural Rights recommended that Guatemala address the high rate of teenage pregnancy, ensure the accessibility and availability of sexual and reproductive health services, particularly in rural areas, and incorporate comprehensive, age-related sexual and reproductive health education into school curricula.¹⁰⁵

60. The same Committee noted with concern that unsafe or illegal abortions continued to be one of the principal causes of maternal mortality. It urged Guatemala to study the possibility of providing for exceptions to the prohibition on abortion, including in cases of pregnancies resulting from rape or incest.¹⁰⁶

61. The Committee on the Rights of Persons with Disabilities recommended that Guatemala ensure the appropriate provision of community health services for persons with disabilities throughout the country, on the basis of free and informed consent.¹⁰⁷

4. Right to education¹⁰⁸

62. The Committee on Economic, Social and Cultural Rights noted with concern the limited size of the education budget and the fact that Guatemala was one of the Latin American countries that spent the least on education. It recommended removing all direct and indirect charges in primary education, which should be compulsory and available free to all, providing resources to ensure the quality and infrastructure of the education system and improving the salaries, material conditions and training of teaching staff.¹⁰⁹

63. Referring to relevant recommendations from the second review cycle,¹¹⁰ UNESCO stated that there was a need to increase efforts to address obstacles to schooling faced by the most marginalized girls, and to pursue efforts to include ethnic groups in the educational system.¹¹¹ UNESCO recommended that Guatemala fully implement the provisions of the Convention against Discrimination in Education concerning the promotion of equal access to quality education without discrimination or exclusion, and pursue efforts to increase educational coverage among and the access of ethnic groups to the education system.¹¹²

64. The Committee on the Rights of Persons with Disabilities recommended that Guatemala establish a free, high-quality, inclusive education system at all levels and ensure that all children with disabilities received an education.¹¹³

D. Rights of specific persons or groups

1. Women¹¹⁴

65. The Committee against Torture reiterated its concern regarding the high rates of violence against women, particularly domestic violence. The Committee on Economic, Social and Cultural Rights recommended that Guatemala continue to raise awareness regarding the criminal nature of domestic violence and bring those responsible before the courts.¹¹⁵

66. The High Commissioner was gravely concerned about the 55 girls who had reportedly disappeared in September, October and November 2016 from centres where they had been living under State custody.¹¹⁶ The United Nations country team indicated that at least 41 girls had died in the fire on 8 March 2017 at the Hogar Seguro Virgen de la Asunción youth centre, where they were living under State protection, and urged far-reaching reforms to the child protection system.¹¹⁷

67. OHCHR recommended that Guatemala allocate sufficient resources to the specialized tribunals on femicide and other forms of violence against women and expand their coverage and continue efforts to ensure that all women victims of violence, especially indigenous and rural women, had access to justice.¹¹⁸

68. The Committee on the Elimination of Racial Discrimination was concerned that women in indigenous communities continued to face multiple forms of discrimination and that indigenous women continued to be subject to violence and face hurdles in seeking access to justice. It recommended that Guatemala include a gender perspective in all its policies and strategies, and take action to change the circumstances and patterns that made indigenous women vulnerable to violence.¹¹⁹

69. The Committee on the Rights of Persons with Disabilities recommended that Guatemala ensure the inclusion of women and girls with disabilities in all policies and programmes on gender equality and discrimination.¹²⁰

2. Children¹²¹

70. Despite the reduction in child labour, the Committee on Economic, Social and Cultural Rights reiterated its concern about the continuing economic exploitation of children, especially in agricultural and domestic services. It urged Guatemala to conduct systematic labour inspections and to implement public policies aimed at reducing the vulnerability of children.¹²² The ILO Committee of Experts noted with concern that a significant number of children under the minimum age for admission to employment were engaged in work in Guatemala, and urged the Government to intensify its efforts to ensure the progressive elimination of child labour.¹²³

71. The United Nations country team recommended that Guatemala move away from its guardianship-based model of child protection and adopt a human rights-based approach.¹²⁴

72. The ILO Committee of Experts requested that the Government pursue its efforts to ensure that thorough investigations and robust prosecutions were carried out against the perpetrators of trafficking of children under 18 years of age for commercial sexual exploitation, and against officials who were complicit in such acts. It urged the Government to take immediate and effective time-bound measures to combat the commercial sexual exploitation of children under 18 years of age.¹²⁵

73. UNESCO stated that, to the extent of its knowledge, there was no legislation to explicitly prohibit corporal punishment of children in schools, nor had measures been taken to detect and discourage violence at school.¹²⁶ The Committee on the Rights of Persons with Disabilities recommended that Guatemala prohibit and eliminate corporal punishment of children.¹²⁷

3. Persons with disabilities¹²⁸

74. The Committee on the Rights of Persons with Disabilities recommended that Guatemala review all of its legislation and policies on equality and non-discrimination with a view to ensuring the full enjoyment by persons with disabilities of all human rights on an equal basis with others.¹²⁹

75. It also recommended that Guatemala ensure that all persons with disabilities who had been deprived of their legal capacity enjoyed equal recognition before the law. It further recommended that Guatemala repeal the existing systems of total and partial guardianship, under which a person had no or limited legal capacity, thus depriving the person, *inter alia*, of the right to vote, and develop systems of supported decision-making to enable and promote the realization of the rights of persons with disabilities.¹³⁰

76. It recommended that Guatemala ensure that no women or girls with disabilities were subject to forced sterilization or abortion and that all medical procedures and treatments concerning persons with disabilities were contingent on their free and informed consent.¹³¹ It urged Guatemala to investigate properly all instances of exploitation, violence and abuse committed against persons with disabilities, in order to ensure that the perpetrators were identified, investigated and, where appropriate, prosecuted.¹³²

77. It also urged Guatemala to ensure that persons with disabilities were not deprived of their liberty on grounds of disability.¹³³

78. It noted that the law on mental health was not in line with the Convention on the Rights of Persons with Disabilities, and that an unknown number of persons with

disabilities, including children, lived in institutions where the conditions were poor.¹³⁴ It recommended that Guatemala urgently draw up a strategy for the deinstitutionalization of persons with disabilities and abolish the institutionalization of children of any age.¹³⁵ The United Nations country team indicated that, in 2012, the Inter-American Commission on Human Rights had requested that the State immediately implement measures to protect patients at the Federico Mora National Mental Health Hospital from acts of physical, psychological and sexual violence.¹³⁶

79. The Committee on the Rights of Persons with Disabilities recommended that Guatemala provide support to families of children with disabilities to prevent family breakdown and institutionalization of the children.¹³⁷

4. Indigenous peoples¹³⁸

80. The Committee on the Elimination of Racial Discrimination took note of the strengthening of institutions in the area of indigenous peoples' rights, but was concerned that those institutions were underresourced and that indigenous peoples were still not enjoying full participation under the policies pursued by those institutions.¹³⁹

81. OHCHR underscored a number of decisions on indigenous people's rights taken by the Constitutional Court in 2016 and stated that Congress had still not advanced in the approval of legal initiatives related to indigenous peoples' rights, including concerning the approval of a law on community radio.¹⁴⁰

82. The Committee on the Elimination of Racial Discrimination was concerned about the scant protection afforded to indigenous peoples, inasmuch as Guatemala continued to allow lands traditionally owned by indigenous peoples to be taken from them without consultation. It urged Guatemala to recognize the right of indigenous peoples to lands and territories by creating an appropriate legal framework in consultation with the indigenous population.¹⁴¹

83. OHCHR stated that, despite constitutional recognition of the right of indigenous peoples to their lands and territories, there were numerous problems relating to land tenure security, including irregularities in land acquisition and the lack of a reliable land registry.¹⁴² The United Nations country team recommended that Guatemala ensure access to land and land titles for indigenous peoples.¹⁴³

84. OHCHR pointed out that energy and mining projects, especially those in indigenous territories, were one of the main sources of unrest, and that a common denominator of those social conflicts was the failure to inform and to consult with indigenous and other local communities potentially affected by the projects.¹⁴⁴ The Deputy High Commissioner for Human Rights stated that steps were still outstanding to ensure full and genuine participation of indigenous peoples in decision-making, especially in the context of hydroelectric, mining and other projects.¹⁴⁵

85. OHCHR called for the fulfilment of adequate consultation processes to protect the rights of indigenous peoples as a prerequisite to issuing any licence or permit for natural resources exploitation and development projects affecting indigenous peoples. It recommended developing, in consultation with indigenous peoples, measures to ensure respect for the traditional forms of natural resource management within protected areas where collective lands existed, in accordance with international standards.¹⁴⁶

86. The Committee on Economic, Social and Cultural Rights urged the State party, in connection with the exploration and exploitation of mining resources and hydrocarbons, to adopt expeditious measures to carry out consultations to allow free expression of consent to the desirability of such projects, sufficient time and opportunity to reflect and take a decision, together with measures to preserve cultural integrity and provide reparation, where necessary.¹⁴⁷

5. Migrants, refugees, asylum seekers and internally displaced persons¹⁴⁸

87. OHCHR noted that despite State efforts, violence and organized crime had had an impact on migration outside Guatemala and on internal displacement within the country.¹⁴⁹ The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that

Guatemalan nationals continued to be returned from Mexico and the United States of America, and that the absence of mechanisms to register survivors of violence and displaced persons in Guatemala, coupled with limited alternatives to find protection and relocation in other areas of the country, left survivors of violence perpetrated by organized criminal groups with few options but to seek international protection elsewhere.¹⁵⁰

88. UNHCR recommended that the Government ensure that the safety of women, children and families deported from those countries was assured upon their arrival, enact regulations to implement the new Migration Code, improve reception facilities, ensure that refugee status determination procedures were fair and efficient, and strengthen the capacity of the migration authority by allocating it appropriate financial and technical resources.¹⁵¹

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Guatemala will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/GTIndex.aspx.
- ² For relevant recommendations, see A/HRC/22/8, paras. 99.1-99.6, 99.8, 100.1-100.5, 100.8 and 100.11.
- ³ See CERD/C/GTM/CO/14-15 and Corr.1, para. 27.
- ⁴ Ibid., para. 29.
- ⁵ See CRPD/C/GTM/CO/1, para. 8, and CAT/C/GTM/CO/5-6, para. 25.
- ⁶ See E/C.12/GTM/CO/3, para. 29. See also CAT/C/GTM/CO/5-6, para. 26.
- ⁷ See CAT/C/GTM/CO/5-6, para. 26.
- ⁸ See CERD/C/GTM/CO/14-15 and Corr.1, para. 27, and CAT/C/GTM/CO/5-6, para. 26.
- ⁹ See E/C.12/GTM/CO/3, para. 15.
- ¹⁰ See A/HRC/34/3/Add.1, para. 1.
- ¹¹ OHCHR, "Funding" and "Donor profiles" in *OHCHR Report 2013*, pp. 131 and 176.
- ¹² For relevant recommendations, see A/HRC/22/8, paras. 99.12 and 100.10.
- ¹³ See A/HRC/25/19/Add.1, paras. 90 and 94.
- ¹⁴ See CAT/C/GTM/CO/5-6, para. 23.
- ¹⁵ See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 17.
- ¹⁶ For relevant recommendations, see A/HRC/22/8, paras. 99.9-99.10, 99.20-99.25, 99.27, 99.103, 99.105, 99.107-100.9 and 100.20.
- ¹⁷ See A/HRC/31/3/Add.1, para. 53.
- ¹⁸ See CERD/C/GTM/CO/14-15 and Corr.1, para. 19.
- ¹⁹ See E/C.12/GTM/CO/3, para. 11.
- ²⁰ Ibid., para. 9. See also CAT/C/GTM/CO/5-6, paras. 22-23, United Nations country team submission to the universal periodic review of Guatemala, paras. 25-26, and A/HRC/34/3/Add.1, para. 61.
- ²¹ For relevant recommendations, see A/HRC/22/8, paras. 99.106, 99.109-99.111, 100.9, 100.19, 100.21-100.22 and 100.24-100.27.
- ²² See country team submission, para. 35. See also A/HRC/34/3/Add.1, paras. 50 and 52, and A/HRC/28/3/Add.1 and Corrs. 1-2, para. 103.
- ²³ For relevant recommendations, see A/HRC/22/8, paras. 99.1-99.5, 99.18, 99.28-99.30, 99.35, 99.58, 99.60 and 99.62.
- ²⁴ See CAT/C/GTM/CO/5-6, para. 25.
- ²⁵ See A/HRC/34/3/Add.1, para. 17.
- ²⁶ See A/HRC/34/3/Add.1, para. 100 (c).
- ²⁷ See CAT/C/GTM/CO/5-6, para. 16.
- ²⁸ See country team submission, para. 50.
- ²⁹ See A/HRC/34/3/Add.1, para. 26. See also A/HRC/28/3/Add.1 and Corrs. 1-2, paras. 43-44, and A/HRC/31/3/Add.1, para. 30.
- ³⁰ See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 38. See also A/HRC/31/3/Add.1, para. 94 (i).
- ³¹ See A/HRC/34/3/Add.1, para. 100 (e).
- ³² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
- ³³ See www.oacnudh.org.gt/web/images/CONTENIDOS/ARTICULOS/COMUNICADOS/2016/20161208_PDH_OACNUDH_Graves_hechos_contra_mujeres_trans.pdf.
- ³⁴ See CAT/C/GTM/CO/5-6, para. 11.
- ³⁵ Ibid., para. 9.
- ³⁶ See A/HRC/34/3/Add.1, para. 28.
- ³⁷ See CAT/C/GTM/CO/5-6, para. 9.
- ³⁸ See A/HRC/34/3/Add.1, para. 28.

- ³⁹ For relevant recommendations, see A/HRC/22/8, paras. 99.41, 99.50-99.51, 99.59, 99.61, 99.63-99.66 and 100.16-100.17.
- ⁴⁰ See A/HRC/34/3/Add.1, para. 3.
- ⁴¹ See A/HRC/31/3/Add.1, paras. 4-5.
- ⁴² See www.un.org/press/en/2015/sgsm16870.doc.htm. See also General Assembly resolution 67/267 and www.un.org/press/en/2013/ga11374.doc.htm.
- ⁴³ See A/HRC/34/3/Add.1, paras. 3-5. See also country team submission, para. 45.
- ⁴⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E. See also A/HRC/34/3/Add.1, paras. 15 and 100 (a).
- ⁴⁵ See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21167&LangID=S.
- ⁴⁶ See A/HRC/34/3/Add.1, para. 16.
- ⁴⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E. See also A/HRC/34/3/Add.1, para. 14.
- ⁴⁸ See A/HRC/25/19/Add.1, paras. 23 and 33. See also A/HRC/34/3/Add.1, para. 8.
- ⁴⁹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
- ⁵⁰ See A/HRC/34/3/Add.1, para. 100 (b).
- ⁵¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21175&LangID=E.
- ⁵² See A/HRC/28/3/Add.1 and Corr. 1-2, para. 18.
- ⁵³ See CERD/C/GTM/CO/14-15 and Corr.1, para. 10.
- ⁵⁴ *Ibid.*, para. 10. See also A/HRC/31/3/Add.1, para. 20, A/HRC/34/3/Add.1, para. 18, country team submission, para. 47 and UNHCR submission to the universal periodic review of Guatemala, p. 2.
- ⁵⁵ See CERD/C/GTM/CO/14-15 and Corr.1, para. 10. See also A/HRC/34/3/Add.1, para. 20, and country team submission, para. 46.
- ⁵⁶ See A/HRC/34/3/Add.1, para. 20.
- ⁵⁷ See CAT/C/GTM/CO/5-6, para. 10.
- ⁵⁸ See CERD/C/GTM/CO/14-15 and Corr.1, para. 17. See also A/HRC/34/3/Add.1, para. 22, and A/HRC/31/3/Add.1, para. 24.
- ⁵⁹ See A/HRC/34/3/Add.1, para. 24.
- ⁶⁰ *Ibid.*, para. 23. See also A/HRC/34/3/Add.1, para. 24.
- ⁶¹ See CRPD/C/GTM/CO/1, paras. 18, 36 and 39-40.
- ⁶² See CAT/C/GTM/CO/5-6, para. 18. See also A/HRC/34/3/Add.1, para. 31.
- ⁶³ See A/HRC/34/3/Add.1, para. 32.
- ⁶⁴ See CAT/C/GTM/CO/5-6, para. 19.
- ⁶⁵ For relevant recommendations, see A/HRC/22/8, paras. 99.12, 99.14-99.15, 99.19-99.20, 99.23-99.25, 99.27, 99.52-99.53, 99.74-99.76, 99.79, 99.101-99.103, 99.105, 99.108-99.109, 100.15 and 100.18.
- ⁶⁶ See CERD/C/GTM/CO/14-15 and Corr.1, para. 15, and CERD/C/GTM/CO/12-13, para. 9. See also CAT/C/GTM/CO/5-6, para. 14, A/HRC/34/3/Add.1, para. 35, A/HRC/31/3/Add.1, paras. 39, 45 and 94 (p), and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
- ⁶⁷ See A/HRC/34/3/Add.1, para. 35. See also country team submission, paras. 21-24 and 43.
- ⁶⁸ A/HRC/25/19/Add.1, para. 12.
- ⁶⁹ See CERD/C/GTM/CO/14-15 and Corr.1, para. 15, and CERD/C/GTM/CO/12-13, para. 9. See also CAT/C/GTM/CO/5-6, para. 14, A/HRC/34/3/Add.1, para. 35, A/HRC/31/3/Add.1, paras. 39, 45 and 94 (l)-(m), and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
- ⁷⁰ See country team submission, para. 24. See also A/HRC/34/3/Add.1, paras. 40-42, and A/HRC/31/3/Add.1, para. 44.
- ⁷¹ See A/HRC/34/3/Add.1, para. 38. See also country team submission, paras. 21-24 and 43.
- ⁷² See A/HRC/34/3/Add.1, para. 100 (g). See also country team submission, p. 12 (recommendation No. 14).
- ⁷³ See A/HRC/34/3/Add.1, para. 39. See also A/HRC/31/3/Add.1, para. 94 (m).
- ⁷⁴ See UNESCO submission to the universal periodic review of Guatemala, paras. 4 and 16-17.
- ⁷⁵ See UNESCO submission, paras. 3-6 and 17. See also www.oacnudh.org.gt/web/images/CONTENIDOS/ARTICULOS/COMUNICADOS/2015/20150728_UNESCO_y_OACNUDH_repudian_agresiones_contra_periodistas.pdf.
- ⁷⁶ See A/HRC/31/3/Add.1, para. 94 (m).
- ⁷⁷ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3255430.
- ⁷⁸ See country team submission, para. 20.
- ⁷⁹ See E/C.12/GTM/CO/3, para. 12. See also E/C.12/GTM/CO/3, para. 11.
- ⁸⁰ See A/HRC/31/3/Add.1, paras. 54-55.
- ⁸¹ See CERD/C/GTM/CO/14-15 and Corr.1, para. 16. See also A/HRC/34/3/Add.1, para. 22.
- ⁸² See CRPD/C/GTM/CO/1, paras. 67-68.

- ⁸³ For relevant recommendations, see A/HRC/22/8, paras. 99.22, 99.24-99.25, 99.76 and 99.80.
- ⁸⁴ See E/C.12/GTM/CO/3, para. 12.
- ⁸⁵ See CERD/C/GTM/CO/14-15 and Corr.1, para. 23. See also E/C.12/GTM/CO/3, paras. 13 and 15, A/HRC/31/3/Add.1, para. 66, and country team submission, paras. 11-12.
- ⁸⁶ See A/HRC/34/3/Add.1, para. 70.
- ⁸⁷ See A/HRC/31/3/Add.1, para. 70, and A/HRC/28/3/Add.1 and Corrs. 1-2, para. 73. See also A/HRC/34/3/Add.1, para. 69.
- ⁸⁸ See www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0:NO:P13100_COMMENT_ID:3255430.
- ⁸⁹ Ibid.
- ⁹⁰ For relevant recommendations, see A/HRC/22/8, paras. 99.13, 99.81-99.82, 99.85-99.94, 100.9, 100.20, 100.22-100.23, 100.25, 100.27 and 100.29.
- ⁹¹ See country team submission, para. 1. See also A/HRC/34/3/Add.1, para. 13.
- ⁹² See A/HRC/28/3/Add.1 and Corrs. 1-2, para. 4. See also World Bank, *Guatemala Economic DNA: Harnessing Growth* (2014), p. 9.
- ⁹³ See E/C.12/GTM/CO/3, para. 21. See also A/HRC/31/3/Add.1, para. 75, and A/HRC/34/3/Add.1, paras. 74-75.
- ⁹⁴ See A/HRC/34/3/Add.1, para. 75.
- ⁹⁵ See E/C.12/GTM/CO/3, para. 20.
- ⁹⁶ Ibid., para. 19. See also A/HRC/34/3/Add.1, paras. 63-64.
- ⁹⁷ See A/HRC/34/3/Add.1, paras. 63-64 and 67.
- ⁹⁸ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21818&LangID=E.
- ⁹⁹ For relevant recommendations, see A/HRC/22/8, paras. 99.40, 99.58, 99.84, 99.93, 99.95-99.97 and 99.100-99.101.
- ¹⁰⁰ See A/HRC/31/3/Add.1, para. 72.
- ¹⁰¹ See A/HRC/34/3/Add.1, para. 72. See also country team submission, paras. 4-7.
- ¹⁰² See A/HRC/31/3/Add.1, para. 94 (t).
- ¹⁰³ See CERD/C/GTM/CO/12-13, para. 13.
- ¹⁰⁴ See CERD/C/GTM/CO/14-15 and Corr.1, para. 21. See also E/C.12/GTM/CO/3, para. 22.
- ¹⁰⁵ See E/C.12/GTM/CO/3, para. 23. See also A/HRC/31/3/Add.1, para. 51, and CRPD/C/GTM/CO/1, paras. 61-62.
- ¹⁰⁶ See E/C.12/GTM/CO/3, para. 23.
- ¹⁰⁷ See CRPD/C/GTM/CO/1, paras. 22 and 61-62.
- ¹⁰⁸ For relevant recommendations, see A/HRC/22/8, paras. 99.58, 99.77, 99.84, 99.93, 99.98-99.101 and 99.108.
- ¹⁰⁹ See E/C.12/GTM/CO/3, para. 24.
- ¹¹⁰ See A/HRC/22/8, paras. 99.77, 99.84, 99.93, 99.98-99.101 and 99.108.
- ¹¹¹ See UNESCO submission, para. 14. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3084787 and country team submission, para. 3.
- ¹¹² UNESCO submission, p. 7 (recommendation No. 1).
- ¹¹³ See CRPD/C/GTM/CO/1, paras. 59-60. See also UNESCO submission, para. 14.
- ¹¹⁴ For relevant recommendations, see A/HRC/22/8, paras. 99.10, 99.14-99.16, 99.20-99.25, 99.31-99.32, 99.34-99.48, 99.54, 99.61, 99.95 and 99.99.
- ¹¹⁵ See E/C.12/GTM/CO/3, para. 10. See also CAT/C/GTM/CO/5-6, para. 13.
- ¹¹⁶ See A/HRC/34/3/Add.1, para. 56. See also country team submission, paras. 17-19.
- ¹¹⁷ See country team submission, para. 13. See also www.oacnudh.org.gt/web/images/CONTENIDOS/ARTICULOS/COMUNICADOS/2017/20170315_Informe-Hogar-Seguro-OACNUDH-UNICEF-14032017.pdf.
- ¹¹⁸ See A/HRC/25/19/Add.1, para. 99.
- ¹¹⁹ See CERD/C/GTM/CO/14-15 and Corr.1, para. 26.
- ¹²⁰ See CRPD/C/GTM/CO/1, paras. 19-20.
- ¹²¹ For relevant recommendations, see A/HRC/22/8, paras. 99.16-99.17, 99.19, 99.54-99.58, 99.67, 99.69-99.72, 99.83, 99.88-99.89 and 99.100-99.101.
- ¹²² See E/C.12/GTM/CO/3, para. 18.
- ¹²³ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3252854.
- ¹²⁴ Country team submission, p. 12 (recommendation No. 10).
- ¹²⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3252862.
- ¹²⁶ See UNESCO submission, para. 15. See also CRPD/C/GTM/CO/1, paras. 23-24, and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20406&LangID=E.
- ¹²⁷ See CRPD/C/GTM/CO/1, paras. 23-24. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20406&LangID=E.
- ¹²⁸ For relevant recommendations, see A/HRC/22/8, paras. 99.26 and 99.100-99.102.

- ¹²⁹ See CRPD/C/GTM/CO/1, para. 16.
- ¹³⁰ Ibid., paras. 31-32.
- ¹³¹ Ibid., paras. 49-50.
- ¹³² Ibid., paras. 45-46.
- ¹³³ Ibid., paras. 41-42.
- ¹³⁴ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20406&LangID=E. See also A/HRC/31/3/Add.1, para. 28.
- ¹³⁵ See CRPD/C/GTM/CO/1, paras. 53-54. See also CAT/C/GTM/CO/5-6, para. 21.
- ¹³⁶ See country team submission, para. 30.
- ¹³⁷ See CRPD/C/GTM/CO/1, paras. 53-54.
- ¹³⁸ For relevant recommendations, see A/HRC/22/8, paras. 99.9, 99.11, 99.19, 99.21, 99.68, 99.71, 99.78, 99.89, 99.94-99.95, 99.103-99.111, 100.19-100.20 and 100.22-100.27.
- ¹³⁹ See CERD/C/GTM/CO/14-15 and Corr.1, para. 25.
- ¹⁴⁰ See A/HRC/34/3/Add.1, paras. 44-45.
- ¹⁴¹ See CERD/C/GTM/CO/14-15 and Corr.1, paras. 13-14. See also E/C.12/GTM/CO/3, paras. 6-7.
- ¹⁴² See A/HRC/34/3/Add.1, para. 47. See also country team submission, para. 35.
- ¹⁴³ Country team submission, p. 12 (recommendation No. 17).
- ¹⁴⁴ See A/HRC/25/19/Add.1, para. 16. See also country team submission, paras. 31-35.
- ¹⁴⁵ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21433&LangID=E.
- ¹⁴⁶ See A/HRC/34/3/Add.1, para. 100.
- ¹⁴⁷ See E/C.12/GTM/CO/3, para. 7.
- ¹⁴⁸ For the relevant recommendation, see A/HRC/22/8/Add.1, para. 99.67.
- ¹⁴⁹ See A/HRC/34/3/Add.1, para. 27.
- ¹⁵⁰ UNHCR submission, pp. 3-4. See also A/HRC/34/3/Add.1, para. 27, and country team submission, paras. 39-41.
- ¹⁵¹ UNHCR submission, pp. 4-5.



Human Rights Council
Working Group on the Universal Periodic Review
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Summary of Stakeholders' submissions on Guatemala*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 35 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

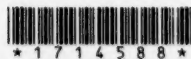
II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Office of the Human Rights Advocate stated that the definition of torture still did not conform to international standards and highlighted the situation of sexual violence and trafficking in persons in Guatemala.² The Office reported that the national mechanism for the prevention of torture was not operating efficiently, in part because the staff of the National Office for the Prevention of Torture were insufficiently qualified or experienced, and owing to administrative and financial irregularities.³

3. The Office reported that the proposed constitutional amendment covering structural issues such as recognition of indigenous peoples' legal system and the separation of administrative and judicial functions in the Supreme Court had not yet been adopted by Congress.⁴

4. The Office highlighted serious shortcomings on the part of the State in guaranteeing, for example, the life, integrity and health of persons under its protection in shelters, mental health hospitals, detention centres for adolescents in conflict with the criminal law, and the prison system.⁵

* The present document was not edited before being sent to United Nations translation services.



5. The Office highlighted shortcomings in control and security in places of detention, overcrowding, a lack of regulations to ensure that the objectives of deprivation of liberty were met, an absence of guarantees to ensure access to health, and internal corruption.⁶
6. The Office stated that it continued to receive complaints about failures to meet obligations under the National Reparations Programme, which remained institutionally weak and had not been provided with the legally established budget.⁷
7. It stated that the lack of respect for the individual and collective right to defend human rights persisted, with human rights defenders being subjected to attacks in the form of intimidation and defamation, or persecuted and detained as a result of justice officials' misuse of criminal law.⁸ The Office stated that the Government had not yet drawn up a public policy on the protection of human rights defenders.⁹
8. The Office of the Human Rights Advocate noted that, although at the 2012 universal periodic review Guatemala had undertaken to adopt a protection mechanism for journalists,¹⁰ no such mechanism had yet been put in place.¹¹
9. According to the Office, what was needed was to construct an economic model that would be capable of ensuring comprehensive development in conditions of equity, and to step up the fight against corruption and rectify the serious shortfalls in health and education.¹² Access to work in Guatemala did not guarantee access to basic foodstuffs and, although 23.4 per cent of the population lived in extreme poverty, social programmes had singularly low budget allocations (January-August 2016).¹³
10. The Office condemned the fact that chronic malnutrition affected 45.6 per cent of children under the age of 5. Acute malnutrition had killed 161 children in 2016,¹⁴ yet the State had taken no proper action to address structural causes such as the exclusion of indigenous communities and the lack of access to social services.¹⁵
11. The Office stated that the crisis in the national health system was chronic and all-pervasive.¹⁶ It referred to reversals in vaccination rates, in micronutrient delivery and in the supply of supplementary and therapeutic foods for malnutrition.¹⁷
12. The Office reported that 80.9 per cent of workers in the formal sector and 99.7 per cent in the informal sector were not unionized.¹⁸
13. The Office stated that State policy, legislation and institutional structures to support children lacked effectiveness and budget resources.¹⁹
14. The Office stated that indigenous peoples and rural populations continued to face problems with regard to permanent agriculture, such as reduced access to land, social conflict and health conditions.²⁰

11. Information provided by other stakeholders

A. Scope of international obligations²¹ and cooperation with international human rights mechanisms and bodies²²

15. AI recommended that Guatemala ratify the International Convention for the Protection of All Persons from Enforced Disappearance.²³ ATRAHDOM recommended ratification of ILO Convention No. 189.²⁴ JS9 recommended ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.²⁵
16. Justicia-Yo recommended that the United Nations should unconditionally support the International Commission against Impunity in Guatemala and its Commissioner.²⁶
17. Justicia-Yo highlighted the importance of the role played by the Office of the United Nations High Commissioner for Human Rights in Guatemala in the defence of human rights and the fight for justice.²⁷
18. JS8 recommended ensuring the inclusion of independent civil society organizations in the UPR process before finalizing and submitting the national report.²⁸

B. National human rights framework³⁹

19. JS1 stated that there had been no progress on the recommendation made at the 2012 universal periodic review,⁴⁰ to set up a body comprising key national and international actors to follow up on international human rights recommendations.⁴¹ JS1, JS7 and JS11 recommended creating and instituting a mechanism comprising Government, civil society and international organizations, to follow up on international recommendations and ensure their full implementation.⁴² JS17 recommended installing the database for follow-up on recommendations provided by the Office of the United Nations High Commissioner for Human Rights.⁴³

20. JS8 recommended to systematically consult with civil society and NGOs on the implementation of UPR including by holding periodical comprehensive consultations.⁴⁴

21. JS8 recommended that Guatemala incorporate the results of its third UPR into action plans, taking into account the proposals of civil society, and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations.⁴⁵

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination⁴⁶

22. JS4 highlighted the persistence of racism and discrimination, as well as of monolingualism and monoculturalism, in State policy and in legislation.⁴⁷

23. Referring to the recommendations made in the 2008 and 2012 universal periodic reviews,⁴⁸ OASIS recommended amending the Criminal Code to penalize hate crimes and crimes of social intolerance based on sexual orientation, gender identity and sexual characteristics.⁴⁹ JS14 recommended that Guatemala should accede to the Yogyakarta Principles with a view to achieving the integration, on an equal footing, of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.⁵⁰

24. OASIS indicated that, although significant resources had been invested in the treatment of HIV, there had been no effective action to eradicate the persecution and social exclusion based on sexual orientation and gender identity that gave rise to situations of vulnerability.⁵¹

25. The Asociación Nelson Mandela noted that the 2012 recommendations on peoples of African descent had not been fully implemented since their needs had not been addressed in a comprehensive and inclusive manner.⁵²

Development, the environment and business and human rights⁵³

26. JS2 noted with concern the expansion of monoculture plantations such as palm oil, and the way in which these concentrated landholdings through purchase, rent, concession or speculation.⁵⁴

27. JS2 recommended inter alia: introducing a moratorium on hydroelectric and mining projects and monoculture, banning the mining of metals and conducting strategic environmental assessments to ascertain the environmental, social, cultural, and economic viability of extractive activities.⁵⁵

2. Civil and Political Rights

Right to life, liberty and security of person⁵⁶

28. JS9 stated that capital punishment persisted in the legislation and recommended that Guatemala should formally abolish the death penalty.⁵⁷

29. JS10 stated that, notwithstanding positive efforts to strengthen the national civil police, figures for crime and violent deaths in Guatemala were still high.⁶⁸ INTERPEACE indicated that efforts to dismantle criminal organizations were still inadequate, and that there was a need to introduce a prevention component into criminal prosecution policy, improve the training of police personnel and increase their visibility.⁶⁹

30. INTERPEACE stated that the gaps in State provision had nurtured the perception that security was a private matter.⁷⁰ INTERPEACE reported that private security companies had consistently been shown to be non-compliant with local regulations, both in respect of working conditions and with regard to the operational requirements for officials.⁷¹ The Inter-American Commission on Human Rights (IACHR) recommended exercising effective control and oversight over private security companies and registering and penalizing those that did not comply with the law.⁷²

31. INTERPEACE found that, while the Arms and Ammunition Act had improved oversight of the bearing of arms, it had left loopholes that were being used to flout the law.⁷³

32. CEG stated that the announcement that the Army was to be withdrawn from public security duties was a positive step and it hoped that the Army's new role would be confined to the defence of the country's sovereignty and territory.⁷⁴

Administration of justice, including impunity and the rule of law⁷⁵

33. Justicia-Ya reported that in June 2016 the Public Prosecution Service and the International Commission against Impunity in Guatemala had exposed the so-called "State Co-optation" case, bringing to light the involvement of officials at the highest level, including the former president and the former vice-president, as well as the media and several banks in the Guatemalan system, in an illicit election financing network.⁷⁶ Justicia-Ya described a system that had been hijacked by criminal organizations built up over decades by means of corruption, monopolies, tax breaks, the concentration of power and impunity.⁷⁷ JS10 believed it was essential to break up the corrupt power groups that prevented compliance with laws such as the Organized Crime Act and the Judicial Service Act.⁷⁸

34. CEG expressed concern at the political use of violence and the negative campaigns waged against the Public Prosecution Service and the International Commission against Impunity in Guatemala as part of a concerted response by illegal groups and clandestine organizations to the action taken by those bodies.⁷⁹

35. Justicia-Ya reported that in April 2016 the presiding officers of executive, legislative and judicial bodies had presented a proposal for the constitutional reform of the justice system and called for a broad national dialogue to develop it.⁸⁰ AI stated that this constitutional reform, aimed at consolidating recent efforts towards justice and accountability and strengthening the independence of the judiciary, had yet to be approved.⁸¹

36. JS2 recommended supporting the constitutional reform for the recognition of legal pluralism, so that indigenous peoples would be empowered to administer and regulate their territories, including natural resources.⁸² Justicia-Ya indicated that a racist campaign had been mounted against the constitutional recognition of the legal system of indigenous peoples, with the support of the business sector.⁸³

37. JS10 highlighted the need for clear procedures and control mechanisms to guarantee the independence of the courts, and drew attention to issues surrounding election procedures administered by the nominating commissions, such as influence peddling.⁸⁴

38. AI stated that despite sustained efforts by human rights groups and relatives of the victims of human rights violations perpetrated during the internal armed conflict, the Bill that would create a National Commission for the Search for Victims of Enforced and Other Forms of Disappearance had yet to be approved.⁸⁵

39. AI stated that despite important steps since 2009, efforts towards truth, justice and reparations remained reluctant in the vast majority of cases. In May 2013, the Constitutional Court nullified the judgment against Efraín Ríos Montt for genocide and

crimes against humanity and reverted the process to an earlier stage. Since then, the trial has been postponed and suspended.⁶⁰

60. AI reported that the Inter-American Court of Human Rights declared that Guatemala had not fulfilled its obligation to investigate 12 cases of human rights violations committed between 1981 and 1999, identifying structural obstacles to justice such as lack of access to military information.⁶¹

61. JS12 noted the persistence of obstacles to the implementation of the 2012 universal periodic review recommendation,⁶² in respect of protection of persons involved in transitional justice proceedings.⁶³ JS13 stated that women victims of rape during the armed conflict were still owed reparation in the form of access to justice, and it recommended the implementation of the 18 measures of reparation for the victims of violence in the *Sepur Lacer* case.⁶⁴

62. INTERPLACE stated that the Government was unable to guarantee the life of persons under its protection in prisons, and that there was no guarantee of rehabilitation and, if any, reintegration programmes.⁶⁵ JS9 mentioned problems in prisons such as lack of security, overcrowding, inhumane sanitary conditions, and abuse and corruption among officials, who had no security of employment, career structure or wage incentives.⁶⁶

Fundamental freedoms and the right to participate in public and political life⁶⁷

63. JS 8 affirmed the Government had not implemented any of the seven 2012-UPR recommendations received⁶⁸ on protecting human rights defenders.⁶⁹ JS8 stated in the last four years 51 human rights defenders were killed in Guatemala, many of them working on environmental and land rights issues.⁷⁰ JS15 stated that during the period under review, journalists and human rights defenders continued to work in a context of violence, criminalization and impunity which included murder, threats, arbitrary arrests, following, and surveillance.⁷¹

64. JS10 stressed, inter alia, the small number of staff in the Public Prosecution Service's Unit on Crimes against Human Rights Activists and the lack of capacity in the police force's Division for the Protection of Persons to analyse the risk to human rights defenders.⁷² JS10 expressed concern that there was no ministerial decision to underpin the mandate and powers of the Unit for the Analysis of Attacks on Human Rights Defenders, and that the Unit had no financial resources or its own staff.⁷³ With regard to the 2012 UPR recommendation on legislation to guarantee the protection of human rights defenders, JS10 indicated that there was no discussion of the matter in Congress.⁷⁴

65. JS15 recommended that Guatemala ensure prompt, thorough and impartial investigations regarding attacks against human rights defenders and guarantee that investigators consider defenders' work as a possible motive for attacks against them.⁷⁵ JS10 recommended adoption of the instruction on the investigation and prosecution of crimes against human rights defenders within the Public Prosecution Service.⁷⁶ JS10 recommended making every effort to develop and implement the Government's policy on the protection of human rights defenders,⁷⁷ and JS12 recommended that this should be done by means of a broad participatory process.⁷⁸

66. JS 15 indicated regarding 2012 UPR accepted recommendation,⁷⁹ that during the period under review, authorities continued to abusively use the criminal justice system in order to marginalize and stigmatize journalists and human Rights defenders.⁸⁰ JS12 expressed concern at the use of smear campaigns and false or exaggerated legal charges against human rights defender associations and other civil society organizations.⁸¹ AI pointed out that authorities had failed to address smear campaigns and stigmatization against defenders.⁸²

67. JS15 affirmed 90% of attacks in recent years were waged against defenders who worked to advance indigenous peoples' rights, as well as economic, social, and cultural and environmental rights.⁸³ JS10 emphasized the criminalization of human rights defenders, particularly those opposed to mining and hydroelectric projects.⁸⁴ JS2 stated that communities that had launched peaceful movements to protest at having extractive projects

imposed on them had been met with paramilitary units, military camps, intimidation and the murder of their leaders.⁹¹

48. JS12 recommended that the Government should develop a policy of public communication at the highest level to promote the defence of human rights in official speeches and public statements, and to reaffirm the legitimacy of the work of human rights defenders.⁹²

49. JS8 affirmed that legislation on access to information lacked proper implementation,⁹³ while JS15 stated Guatemala failed to establish in this regard an independent administrative oversight body.⁹⁴

50. JS3 stated that over the past few years the number of journalists killed in Guatemala had increased.⁹⁵ JS8 indicated that in the first half of 2016 alone at least five journalists from local and independent media were killed.⁹⁶ JS15 indicated that business and political Leaders have increasingly used criminal defamation provisions to silence journalists, even those working within the mainstream media.⁹⁷ With regard to the 2012 universal periodic review recommendations,⁹⁸ JS10 stated that although a start had been made on developing a system of protection for journalists, the proposal had not been implemented.⁹⁹

51. JS8 recommended that Guatemala ensure that journalists and writers work freely and without fear of retribution for expressing critical opinions, adopt a framework for the protection of journalists from persecution, intimidation and harassment, and refrain from adopting any laws providing for censorship.¹⁰⁰ JS8 recommended releasing human rights defenders and journalists detained for exercising their freedom of expression.¹⁰¹ JS3 recommended, *inter alia*, that the State of Guatemala should implement the programme to protect journalists and that the Public Prosecution Service should reinforce its Unit on Offences against Journalists.¹⁰²

52. JS15 indicated that community radio journalists' freedom of expression was severely stifled by the combination of discriminatory laws, frivolous criminalization of journalists and human rights defenders, violence and intimidation by authorities, and the systemic concentration of media ownership that ultimately leads to widespread censorship.¹⁰³

53. JS8 stated that specific legislation on community radios had not been enacted and no positive measures were taken to ensure their freedom of expression, despite the government's support to the relevant 2012-UPR recommendation.¹⁰⁴ JS15 stated that the General Telecommunications Law restricted radio frequencies to commercial and government broadcasters because community stations lacked the financial wherewithal to compete against their bids.¹⁰⁵ JS16 recommended that Guatemala adopt Bill 4087, which would authorize one community radio station per municipality.¹⁰⁶

54. JS4 described how the Guatemala broadcasting service had stepped up its campaign of hate speech and disinformation against the bill on community media and recommended that the State should not approve the amendment to the Criminal Code criminalizing community radio station operators and directors.¹⁰⁷

55. JS8 stated that since Guatemala's previous UPR examination, the government has continued to violate the right to freely associate. Union members are often subjected to death threats, intimidation and targeted assassinations.¹⁰⁸ JS8 recommended the removal of legal and policy measures which unwarrantedly limit the right to association.¹⁰⁹ Regarding 2012-UPR recommendations on violence against trade unionists, ICTUR recommended that Guatemala *inter alia*, fully implement 2013 ILO roadmap in consultation with all trade unions and radically improve efforts to investigate violence against them.¹¹⁰

56. JS15 commented on the Traffic Circulation and Obstruction of Roads Act being used to criminalise social protest.¹¹¹ JS8 recommended that Guatemala amend this Act and immediately release all demonstrators, journalists and human rights defenders detained for exercising their right to freedom of peaceful assembly.¹¹² It also recommended investigating extra-judicial killing and excessive use of force reportedly committed by security forces.¹¹³

57. JS 15 asserted regarding the 2012-UPR accepted recommendation on training officials regarding demonstrations¹¹⁴ that in the period under review, both state and non

state actors had used the legal system to stigmatize Social protests by falsely claiming that protesters had committed criminal offences.¹¹⁵

58. JS8 recommended inter alia that the state: implement transparent and inclusive mechanisms of public consultations with civil society organizations and enable more effective involvement of civil society in the preparation of law and policy.¹¹⁶

59. JS6 recommended adopting a specific regulatory framework to strengthen the institutional structure supporting young people and promote young people's effective participation in urban and rural development councils.¹¹⁷

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work¹¹⁸

60. ATRAHDOM flagged various problems in the maquila sector, including unjustified dismissal, lack of access to the basic food basket because of low wages, non-payment of employment benefits, and denial of the right to form a trade union.¹¹⁹ ATRAHDOM recommended that the Ministry of Labour should penalize companies that failed to pay benefits.¹²⁰

61. ATRAHDOM reported unethical behaviour on the part of labour inspectors who warned employers that they would be carrying out an inspection; and failure to enforce favourable sentences handed down by the labour tribunals.¹²¹

62. ATRAHDOM emphasized the discrimination and lack of security endured by domestic workers, who worked days of more than 16 hours and did not receive the legal minimum wage, and also by rural women, who in addition suffered sexual harassment and abuse by their bosses.¹²²

63. REDTRASEX recommended passing a law to regularize sex work, so as to reduce the stigmatization and discrimination experienced by male and female sex workers.¹²³

64. JS13 recommended recognizing informal and domestic work as a contribution to development.¹²⁴

Right to an adequate standard of living¹²⁵

65. JS11 stated that virtually two in three indigenous children and one in three non-indigenous children suffered from chronic malnutrition and that the problems of hunger, malnutrition and poverty had increased.¹²⁶

66. JS11 believed that State institutions responsible for food security continued to face challenges such as poor coordination on the ground, difficulty in obtaining adequate financial resources, the lack of a rights-based approach and the high degree of politicization of the programmes.¹²⁷ JS11 highlighted cases of positive sentences being handed down by judges in support of regulations to protect the right to food.¹²⁸

67. JS11 recommended that the State should, inter alia, comply with judgments against it that had found violations of the right to food, avoid mere stopgap action and action based on a welfare approach, continue moving towards food-sovereignty policies and amend the law to penalize officials who violated the right to food.¹²⁹

68. JS11 stated that more than 60 per cent of the Guatemalan population lived in rural areas and the indigenous population comprised a similar percentage.¹³⁰ JS2 recommended promoting the full integration of the rural and indigenous population into the national economy with the adoption of bill 4084, on the national system of comprehensive rural development.¹³¹

69. JS2 referred to increasing fragmentation of land, alongside a greater concentration of large estates (*latifundios*).¹³² JS2 underlined the lack of progress made by the mechanism to facilitate access to ownership or leases and stated that the policies and programmes in place were stopgap or welfare-based measures susceptible to corruption.¹³³

70. JS2 noted progress in the Constitutional Court's jurisprudence in respect of restitution and assignment of indigenous peoples' communal lands but reported that the

State was reluctant to grant title to communal lands or give legal recognition to indigenous peoples' own forms of land administration.¹⁵⁴

71. JS2 stated that there was no land legislation that properly reflected the country's social and cultural circumstances, and no prosecutors to carry out specialized investigations into land cases.¹⁵⁵ JS2 recommended that Fontierras should make land purchase a clear priority and, with the various segments of civil society, draft a bill and set up an agreed set of agrarian institutions, with courts and decentralized agrarian prosecutor's offices.¹⁵⁶

72. JS12 recommended that relevant legislation and clear guidelines should be put in place at the national level to prevent forced evictions, in line with international standards.¹⁵⁷

73. JS5 noted that most Guatemalan young people were excluded from social and economic development and recommended strengthening the mechanisms for the defence of their rights.¹⁵⁸

Right to health¹⁵⁹

74. JS1 stated that lack of investment in the health system and poor budget implementation had been compounded by the dismantling of the health service providers system under the Extended Coverage Programme, which had left 2.5 million Guatemalans, notably among the rural and indigenous population, without access to health services.¹⁶⁰

75. ADF-International stated that high rates of maternal mortality were largely due to an inability to access obstetric care, lack of information, and lack of health workers.¹⁶¹ JS13 stated that the second most common cause of death among women in Guatemala was maternal mortality and recommended, in relation to the 2012 universal periodic review recommendations on access to health care,¹⁶² implementing effective programmes for comprehensive sex education.¹⁶³

Right to education¹⁶⁴

76. JS1, referring to the 2012 universal periodic review recommendations on illiteracy,¹⁶⁵ stated that the situation of education in Guatemala had deteriorated between 2011 and 2015, as reflected in the coverage, completion and dropout rates.¹⁶⁶ IHRC-OU-Norman-Oklahoma stated that the 2012 UPR recommendations on reduction of illiteracy rates and ensuring access to education to disabled children had not been met.¹⁶⁷ JS17 recommended installing in every municipality at least one basic education school and one secondary school, to be funded by the State.¹⁶⁸

4. Rights of specific persons or groups

Women¹⁶⁹

77. JS13 stated that women continued to suffer discrimination, exclusion and marginalization in the political, economic, cultural and social spheres.¹⁷⁰ With regard to the 2012 universal periodic review recommendations, JS13 recommended that the State should continue its efforts to eliminate gender stereotypes and to repeal all laws discriminating against women.¹⁷¹ JS7 stated that violence against women, racism, discrimination, poverty and lack of opportunity were some of the problems facing women, indigenous women and women of African descent, in respect of which the State continued to fail to respond.¹⁷²

78. JS14 stated that, while Guatemala had accepted the 2012 universal periodic review recommendations on measures against gender-based violence¹⁷³ and the repeal of discriminatory legislation,¹⁷⁴ the State had failed to take specific and effective measures.¹⁷⁵ AIHR reported 501 violent deaths of women in the first eight months of 2015 and 2,512 autopsies on women who died violently, made between 2012 and 2016.¹⁷⁶ AIHR noted that despite the fact that institutions were established to give effect to the Law against Femicide, these mechanisms had little effect on reducing levels of violence against women.¹⁷⁷ JS7 stated that the lack of coordination among agencies was the main obstacle to efforts to combat violence against women, as well as the lack of due diligence in investigation and prosecution.¹⁷⁸ JS7 recommended strengthening the various institutions dealing with

women's rights, and ensuring adequate funding, to enable them to implement the existing policies on women.¹⁵⁹

79. AI reported that according to a study by CICIG (2014), impunity prevailed in 80-97 per cent of the cases of femicide and violence against women, and recommended that the Government strengthen efforts for effective investigations into these cases.¹⁶⁰ AHR recommended *inter alia*, that Guatemala undertake reforms to its judiciary in order to expedite and prioritize cases of violence against women and ensure civilians access to an independent complaint mechanism.¹⁶¹ JS13 recommended, *inter alia*, extending the coverage and effective implementation of the National Action Plan against Violence against Women and ensuring gender-sensitive training for persons involved in investigation and prosecution and the provision of assistance to victims.¹⁶²

80. JS14 recommended that Guatemala should amend Congressional Decree No. 8-2015 in order to eliminate the possibility of marriage between persons aged under 18, and develop and implement legislation to allow the termination of pregnancies resulting from rape.¹⁶³

*Children*¹⁶⁴

81. JS13 flagged the lack of State protection for young and adolescent girls.¹⁶⁵ JS13 reported the situation of insecurity and violence faced by girls in the State shelter of Virgen de la Asunción, where 41 girls had died in a fire. JS7 reported that girls under the protection of the State in that shelter had been subject to physical, sexual and psychological abuse and that the deaths were evidence of the State's inability to provide care and comprehensive protection to children and adolescents.¹⁶⁶ INTERPEACE highlighted overcrowding and lack of resources, and the violence perpetrated by the staff of shelters.¹⁶⁷ JS7 recommended that the State should guarantee the life, integrity and safety of those children and adolescents who had survived in this case and ensure reparation for the numerous violations committed by the State of Guatemala.¹⁶⁸

82. With regard to the 2012 universal periodic review recommendations,¹⁶⁹ JS1 stated that bills on corporal punishment and other forms of cruel punishment were still awaiting adoption.¹⁷⁰ GIEACPC recommended that Guatemala prohibit corporal punishment of children, however light, in all settings and repeal the legal defences in the Civil Code and in the Law on Integral Protection of Children and Adolescents.¹⁷¹

83. JS18 stated that child pornography was not clearly defined in legislation, and recommended *inter alia* that Guatemala explicitly criminalise virtual child pornography, establish specialised cyber crime units within the prosecutor's office, make child sexual exploitation offences non-bailable and adopt a national action plan to end child sexual exploitation.¹⁷²

84. JS1 pointed out that State agencies' action was fragmented and that there was an ongoing discourse on the elimination of child labour but no real examination of the structural causes.¹⁷³ JS1 recommended, *inter alia*, designating a lead agency for children and adolescents in Guatemala and defining its role, its powers and its budget.¹⁷⁴

85. With regard to the relevant 2012 universal periodic review recommendations, JS1 stated that the inclusion of children with disabilities in the national education system was minimal and marginal.¹⁷⁵

*Indigenous peoples*¹⁷⁶

86. JS16 stated that indigenous peoples represented between 40-60 percent of the population but held just a fraction of the land in the country, leading Guatemala to be one of the most inequitable societies in the world and that indigenous peoples were twice as likely to lack access to education and literacy as their ladino counterparts.¹⁷⁷ IHRC-OU-Norman-Oklahoma recommended that Guatemala implement a legal framework for further recognition of indigenous peoples' rights to not only access, but manage their traditional homelands and natural resources.¹⁷⁸

87. JS16 recommended that the Government ensure indigenous participation in decision-making at all levels in all matters affecting them, and to create a National Action

plan on implementing the rights of Indigenous Peoples based on the World Conference on Indigenous Peoples' Outcome Document.¹⁷⁰ IACHR recommended that Guatemala should recognize peoples and communities as collective rights holders, with their own authorities and representatives as determined by customary law, and respect and guarantee indigenous legal systems without constraint on those competencies that were recognized by international law.¹⁸⁰

88. JS16 stressed that government authorities and companies did not respect the indigenous communities' decisions on extractive industries.¹⁸¹ AI recommended that the Government ensure the rights of indigenous peoples and african-descendants are guaranteed when planning and implementing projects of exploration and exploitation of natural resources.¹⁸² JS 16 reported that Guatemala's Mining Law was still in urgent need of updating and replacing, despite recommendations issued by Norway in the second cycle¹⁸³ including because it does not mention indigenous peoples Rights to their ancestral lands nor did it require consultation nor free, prior and informed consent.¹⁸⁴

89. JS16 indicated that as a direct result of the failure to consult, increased protest and conflict had been met by the Guatemalan government with militarization and violence against indigenous peoples and human rights defenders.¹⁸⁵ JS 16 considered that despite previous UPR recommendations,¹⁸⁶ indigenous human Rights and environmental defenders regularly faced death threats, physical attacks, and home raids, which were carried out by hired hitmen, clandestine security organizations, or the military themselves.¹⁸⁷

Migrants, refugees and asylum seekers and internally displaced persons¹⁸⁸

90. AI stated that remaining Guatemala as one of the most violent countries in the region, asylum applications had increased by 81% between 2014 and 2015, and 17,057 unaccompanied Guatemalan children were apprehended at the United States of America border in 2014.¹⁸⁹ AI indicated that key institutions, such as the National Council for Attention to the Guatemalan Migration, continued to be embroiled in controversy and corruption scandals.¹⁹⁰

91. AI recommended that the Government assume central responsibility for the protection of deportees and implement procedures to identify deportees at risk and provide them with protection.¹⁹¹

92. Regarding 2012-UPR supported recommendation on conditions of detained persons,¹⁹² GDP referred to reports on immigration authorities systematically applying detention measures to immigrants, and recommended, inter alia, to: ensure immigration detention is imposed only as a last resort and ensure that the Migration Law provides clear grounds justifying detention, and provides judicial review of immigration detention.¹⁹³

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with "A" status).

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International (Geneva, Switzerland);
Advocates for Human Rights	Advocates for Human Rights (Minneapolis, United States of America);
AI	Amnesty International, (London, United Kingdom);
Asociación Nelson Mandela	Asociación Nelson Mandela, (Guatemala, Guatemala);
ATRAHDOM	Asociación de Trabajadoras del Hogar a Domicilio y de Maquila, Guatemala, Guatemala);
CEG	Centro de Estudios de Guatemala, (Guatemala, Guatemala);
GDP	Global Detention Project, (Geneva, Switzerland);
GIEACPC	Global Initiative to End All Corporal Punishment of Children,

ICTUR	(London, United Kingdom); International Centre for Trade Union Rights. (London, United Kingdom);
IHRC-OU, Norman, Oklahoma	International Human Rights Clinic, Oklahoma University, Norman Oklahoma;
INTERPEACE OASIS	INTERPEACE, (Guatemala, Guatemala); Organización de Apoyo a una Sexualidad Integral frente al SIDA;
OTRANS-RN REDTRASEX	Organización Trans Reinas de la Noche; Red de Trabajadoras Sexuales de Latinoamérica y el Caribe.
<i>Joint submissions:</i>	
JS1	Joint submission 1 submitted by: Red Niña-Niño (Guatemala, Guatemala), integrada por: Oficina de Derechos Humanos del Arzobispado de Guatemala — ODHAG- /Asociación La Alianza/Instituto de Cooperación Social — ICOS-/Instituto Latinoamericano de Ciencias Sociales — FLACSO-/Fundación Pestalozzi/Programa de Atención, Movilización e Incidencia por la Niñez y la Adolescencia. — PAMI-/Fundación Guatemalteca para niños con sordoceguera FUNDAL/Red Nacional para las Personas con Discapacidad — RENADISGUA-/Programa de Radio "La Niñez es Primero" /Coordinadora Institucional de Promoción por los Derechos de la Niñez. CIPRODENI/Fundación Esperanza de los Niños — CHILDHOPE-/WorldVision Guatemala/ SaveTheChildren Guatemala/Plan International Guatemala/Fundación Esfuerzo y Prosperidad — FUNDAESPRO-/Asociación Estudios y Proyectos de Esfuerzo Popular — EPRODEP-/Instituto de Protección Social. — IPS-/Paz Joven Guatemala / Programa Educativo del Niño, Niña y Adolescente Trabajador — PENNAT- /Asociación Comunitaria para la Integración y Desarrollo de la Familia. — ACEDIF-/Asociación Centro Ecueménico de Integración Pastoral — CEIPA-/Asociación Kamal'e/Movimiento Cuarto Mundo Guatemala/Asociación VIVA Juntos por la Niñez/Verde y Azul — EDUCO- /Levantemos Guate/Red de Jóvenes para la Incidencia Política — INCIDEJOVEN-/CRECER — ADEFAMI / Organización para el Desarrollo Integral y Sostenible de Oriente y Guatemala "ODISOG"/APEDIBBIME/Asociación Comunitaria de Desarrollo Integral — CODEIN / Fundación Educativa Fe y Alegría/Asociación Aldeas Infantiles SOS de Guatemala/Programa de Protección y Seguridad Infantil y Juvenil/Fundación Marista — FUNDAMAR- /ACCPG/CHILFUND/PRODESSA/APROFAM/Coordinadora por la Niñez, Adolescencia y Juventud;
JS2	Joint submission 2 submitted by: Pastoral de la Tierra de San Marcos, Instituto de Estudios Agrarios y Rurales — IDEAR- de la Coordinación de ONG y Cooperativas de Guatemala — CONGCOOP;
JS3	Joint submission 3 submitted by: Reporters Without Borders International and Centro de Reportes Informativos de Guatemala (CERIGUA), (Guatemala, Guatemala);
JS4	Joint submission 4 submitted by: Sobrevivencia Cultural, Asociación de Radios Comunitarias de Guatemala, Centro Civitas, CEPPAS y Cultural Survival;
JS5	Joint submission 5 submitted by: Sociedad para el Desarrollo de la Juventud (SODEJU-FUNDAJU), integrada por: Juventud Obrera Cristiana — JOC; Asociación Cristiana de Jóvenes ACJ-YMCA; Asociación Caja Lúdica; Movimiento de Jóvenes Mayas — MOJOMAYAS; Movimiento de Trabajadores Campesinos — MTC; Coordinadora Local de Juventud de Retalhuleu — COLJUR;

Coordinadora de Juventud Sololá KAJI B'ATZ; Red de Organizaciones Juveniles de Alta Verapaz — ROJAV; Asociación Voz e Identidad Joven de San Raymundo — VIDAJOVEN; Coordinadora de Jóvenes Luz y Esperanza — CILE; VICALAMA; Asociación Mujeres en Solidaridad — AMES; Asociación GENTE FELIZ; Jóvenes por la Vida — JOVI; Asociación AGUJA; Jóvenes Revolucionarios; Red Juvenil — Juventud Jocotenango; Asociación Juvenil Renacimiento; Embajadores-as por la Paz — EMBAPAZ; Red de Juventud de San Antonio Palopó; Asociación Juvenil Campesina de Nebaj; Expresión Juvenil de Quetzaltenango; Asociación de Desarrollo Juvenil y Cultural de Cantel — ADEJUCC; Jóvenes por el Cambio de San Marcos; Asociación de Desarrollo Juvenil de Chiantla — ADESJU; Red de organizaciones de Niñez, Adolescencia y Juventud de Aguacatan, Huehuetenango; Juventud Voz de Cambio, Retalhuleu; Asociación Amigos de la Juventud por el Desarrollo y la Paz. — AJUDEP; Estudiantes de Derecho Mazate, USAC; Organización Juvenil Qawinaqel; Proyecto Social por la Juventud de Masagua — PROSOJU; Organización Juvenil Xinka de Guatemala — ORJUXIG; Pastoral Juvenil de Jalapa; Juventud Garífuna de Guatemala — JUGAGUA; Desarrollo Social para la Juventud de Mazatenango — DESOJU; Desarrollo Social de la Juventud de Retalhuleu — DESOJUReu; Asociación Alianza Joven; Asociación Manos que te Apoyan; Asociación de Apoyo a la Niñez, Adolescencia y Juventud — ANADJU; Asociación para la Prevención de Violencia — APREDE; Asociación Grupo Ceiba; Instituto de Ciencias Comparadas Penales de Guatemala — ICCPG; Instituto DEMOS; Asociación Terciarios Capuchinos — AMIGONIANOS;

JS6 **Joint submission 6 submitted by:** Asociación Civil Paz Joven Guatemala, Consejo de Juventudes Indígenas, Asociación Pro Bienestar de la Familia de Guatemala (APROFAM), Plan International Inc, Red de Organizaciones Juveniles de Alta Verapaz (ROJAV), y Red Nacional por los Derechos Sexuales y Reproductivos;

JS7 **Joint submission 7 submitted by:** Red de la No Violencia contra las Mujeres-REDNOVI; Asociación Nuevos Horizontes-ANH, Asociación de Mujeres Empleadas y Desempleadas Unidas contra la Violencia-AMUCV, Asociación de Mujeres en Solidaridad-AMES, Asociación Femenina para el Desarrollo de Sacatepéquez-AFEDES, Asociación Generando, Equidad, Liderazgo y Oportunidades-ASOGEN, Consejo de Mujeres Cristianas, Grupo Guatemalteco de Mujeres-GGM y Mujeres por la Justicia, Educación y Reconocimiento-MuJER,

JS8 **Joint submission 8 submitted by:** Red Latinoamericana y del Caribe para la Democracia (Redlad);

JS9 **Joint submission 9 submitted by:** World Coalition against the Death Penalty and GAM (Grupo de ApoyoMutuo), (Guatemala, Guatemala);

JS10 **Joint submission 10 submitted by:** Coalición de ONGs Convergencia por los Derechos Humanos de Guatemala (CDH) integrada por: Centro para la Acción Legal en Derechos Humanos, Centro Internacional para Investigaciones en Derechos Humanos, Instituto de Estudios Comparados en Ciencias Penales de Guatemala, Oficina de Derechos Humanos del Arzobispado de Guatemala, la Unidad de Protección a Defensoras y Defensores de Derechos Humanos, Asociación para el Estudio y Promoción de la Seguridad en Democracia, Equipo de Estudios Comunitarios y Acción psicosocial y el Centro de Análisis Forenses y Ciencias

- Aplicadas (Guatemala, Guatemala) y la Fundación Myrna Mack (FMM), (Guatemala, Guatemala);
- JS11 **Joint submission 11 submitted by:** Campaña Guatemala Sin Hambre, Colectivo Social por el Derecho a la Alimentación, Fundación Guillermo Toriello, y Red por la defensa de la Soberanía Alimentaria en Guatemala;
- JS12 **Joint submission 12 submitted by:** PeaceBrigades International Guatemala y Organización Mundial Contra la Tortura (OMCT), (Geneva, Switzerland);
- JS13 **Joint submission 13 submitted by:** Coalición de Organizaciones de Mujeres y Redes Aliadas (Mujeres): Plataforma Tejedoras de Güipil a nivel nacional. Instancia por la salud y el desarrollo de las mujeres, ISDM Observatorio de Salud Reproductiva Guatemala Asociación de Mujeres de Petén, Ixquic Asociación de Mujeres Aqabal, Huehuetenango Asociación de Mujeres Tejedoras AMUTED, Quetzaltenango Asociación para la Incidencia, Incidejoven Asociación Ixmukane', Quiché Asociación Mujeres Transformando el Mundo Asociación de Mujeres Comunicadoras Indígenas Organización de Mujeres Trans OTRANS Red de Jóvenes para la Incidencia — Incidejoven Convergencia Cívico Política de Mujeres Asociación ADEMKAN, Sololá Asociación Las Crisálidas, Villa Nueva, Guatemala ECAP, Guatemala Red de Mujeres de Petén Red de Mujeres Indígenas de Huehuetenango Red de Mujeres Jóvenes de Huehuetenango, Región Norte Consorcio por los derechos humanos de las niñas, las adolescentes y las mujeres en Guatemala Red de Mujeres de Occidente, AmoxiquicMamaMaquin, Huehuetenango;
- JS14 **Joint submission 14 submitted by:** Pintando el Mundo and Sexual Rights Initiative;
- JS15 **Joint submission 15 submitted by:** PEN International, PEN Guatemala, PEN Canada and International Human Rights Program at the University of Toronto Faculty of Law (IHRP);
- JS16 **Joint submission 16 submitted by:** Cultural Survival, (Cambridge, Massachusetts, United States of America) and Sobrevivencia Cultural (Guatemala, Guatemala);
- JS17 **Joint submission 17 submitted by:** Colectivo Educación para todos y todas de Guatemala (CEPTT), (Guatemala, Guatemala), integrado por: Asociación de Mujeres Semillas para el Futuro — ASOMUSEF — Asociación Centro de Investigación y Educación Popular — CIEP — Asociación Coordinadora Nacional de Pobladores y Áreas Marginales de Guatemala — CONAPAMG — Asociación de Maestros de Educación Rural — AMERG — Comisión Permanente de Reforma Educativa — CNPRE — Asociación Consejo Nacional Indígena Campesino y Popular — CNAIC-P Asociación de Mujeres Inter Cultural — ADMI — Asociación Consejo del Pueblo XINKA de Guatemala — COPXIG — Asociación de Mujeres Unidas contra la Violencia — AMUCV — Red Mujeres Positivas en Acción REDMPA.
- JS18 **Joint submission 18 submitted by:** ECPAT International and ECPAT Guatemala.

National human rights institution:

PDH

Procuraduría de Derechos Humanos de Guatemala (Guatemala, Guatemala).

Regional intergovernmental organization(s):

IACHR

Inter-American Commission on Human Rights.

² PDH, p. 3.

³ PDH, p. 2.

⁴ PDH, p. 2.

⁵ PDH, p. 3. See also: PDH, p. 6.

⁶ PDH, p. 3.

- ⁷ PDH, p. 4.
⁸ PDH, p. 4.
⁹ PDH, p. 4.
¹⁰ See A/HRC/22/8 para. 99.75 (Holy See), 99.76 (Iraq).
¹¹ PDH, p. 4.
¹² PDH, p. 7.
¹³ PDH, p. 5.
¹⁴ PDH, p. 5.
¹⁵ PDH, p. 5.
¹⁶ PDH, p. 4.
¹⁷ PDH, p. 5.
¹⁸ PDH, p. 5.
¹⁹ PDH, p. 6.
²⁰ PDH, p. 5.
²¹ The following abbreviations are used in UPR documents:
- | | |
|-----------|--|
| ICESCR | International Covenant on Economic, Social and Cultural Rights; |
| OP-ICESCR | Optional Protocol to ICESCR; |
| CRC | Convention on the Rights of the Child; |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure; |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; |
| CRPD | Convention on the Rights of Persons with Disabilities; |
| OP-CRPD | Optional Protocol to CRPD. |
- ²² For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.1-99.6, 99.8, 100.1-100.5, 100.8 and 100.11.
²³ AI, p. 7.
²⁴ ATRAHDOM, p. 4.
²⁵ JS9, p. 3.
²⁶ Justicia-Ya, p. 5.
²⁷ Justicia-Ya, p. 5.
²⁸ JS8, p. 13.
²⁹ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.12 and 100.10.
³⁰ See A/HRC/22/8 para. 99.12 (Uruguay).
³¹ JS1, pp. 2 and 10.
³² JS1, p. 10, JS7 p. 10 and JS11, p. 14.
³³ JS17, p. 9.
³⁴ JS8, p. 13.
³⁵ JS8, p. 13.
³⁶ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.9, 99.10, 99.20-99.25, 99.27, 99.103, 99.105, 99.107, 99.108, 100.9 and 100.20.
³⁷ JS4, p. 2.
³⁸ See A/HRC/8/38, paras. 89.16 (Switzerland), 89.35 (Slovenia), and 89.36 (Czechia), and A/HRC/22/8 para. 99.27 (Argentina).
³⁹ OASIS, p. 4. See also: JS14, pp. 4 and 5.
⁴⁰ JS14, pp. 4 and 5. See also: OTRANS-RN, pp. 1-5.
⁴¹ OASIS, p. 2.
⁴² Asociación Nelson Mandela, p. 5.
⁴³ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.106, 99.109, 99.110, 99.111, 100.9, 100.19, 100.21, 100.22, 100.24, 100.25, 100.26, 100.27.
⁴⁴ JS2, p. 5.
⁴⁵ JS2, p. 7.
⁴⁶ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.1-99.5, 99.18, 99.28-99.30, 99.35, 99.58, 99.60, 99.62.
⁴⁷ JS9, pp. 2 and 3. See also: AI, p. 8.
⁴⁸ JS10, p. 9. See also: CEG, p. 2.
⁴⁹ INTERPEACE, p. 1.
⁵⁰ INTERPEACE, p. 1.
⁵¹ INTERPEACE, pp. 1 and 2.
⁵² CIDH, Comisión Interamericana de Derechos Humanos, Situación de los derechos humanos en Guatemala: Diversidad, desigualdad y exclusión, OEA/Ser.L/V/II, 31 diciembre 2015., p. 223. Available at: <http://www.oas.org/es/cidh/informes/pdfs/guatemala2016.pdf>.
⁵³ INTERPEACE, p. 2.

- ⁵⁴ CEG, p. 2. See also: INTERPEACE, p. 1. See also: CIDH, Comisión Interamericana de Derechos Humanos, Situación de los derechos humanos en Guatemala: Diversidad, desigualdad y exclusion, OEA/Ser.L/V/II, 31 diciembre 2015.OEA/Ser.L/V/II, 31 diciembre 2015, para. 181. Available at <http://www.oas.org/es/cidh/informes/pdfs/guatemala2016.pdf>.
- ⁵⁵ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.41, 99.50, 99.51, 99.59, 99.61, 99.63-99.66, 100.16 and 100.17.
- ⁵⁶ Justicia-Ya, pp. 2 and 3.
- ⁵⁷ Justicia-Ya, p. 3. See also: Justicia-Ya, p. 2.
- ⁵⁸ JS10, pp. 6 and 7. See also: JusticiaYa, p. 3.
- ⁵⁹ CEG, p. 3.
- ⁶⁰ Justicia Ya, p. 3.
- ⁶¹ AI, p. 4. See also: Justicia-Ya p. 5 and JS10, p. 11.
- ⁶² JS2, p. 7.
- ⁶³ Justicia Ya, p. 5.
- ⁶⁴ JS10, pp. 7 and 8. See also: AI, p. 3. See also: CIDH, Comisión Interamericana de Derechos Humanos, Situación de los derechos humanos en Guatemala: Diversidad, desigualdad y exclusion, OEA/Ser.L/V/II, 31 diciembre 2015.OEA/Ser.L/V/II, 31 diciembre 2015, paras. 374 and 377. Available at: <http://www.oas.org/es/cidh/informes/pdfs/guatemala2016.pdf>.
- ⁶⁵ AI, pp. 2 and 7.
- ⁶⁶ AI, p. 2. See also: JS12, p. 6, JS13, p. 6.
- ⁶⁷ AI, p. 3. See also: JS10, p. 9.
- ⁶⁸ See A/HRC/22/8 para. 99.66 (United States of America).
- ⁶⁹ JS12, p. 4. See also: AI, p. 3.
- ⁷⁰ JS13, p. 6.
- ⁷¹ INTERPEACE, p. 4. See also: JS9, p. 3.
- ⁷² JS9, pp. 5-7. See also: JS9, p. 3 and JS6, p. 10.
- ⁷³ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.12, 99.14, 99.15, 99.19, 99.20, 99.23-99.25, 99.27, 99.52-99.53, 99.74-99.76, 99.79, 99.101-99.103, 99.105, 99.108, 99.109, 100.15, and 100.18.
- ⁷⁴ See A/HRC/22/8 paras. 99.73 (Austria), 100.18 (Spain), 99.52 (Czech Republic), 99.53 (Norway), 100.14 (Australia), 99.76 (Iraq), 100.15 (Switzerland).
- ⁷⁵ JS8, p. 5.
- ⁷⁶ JS8, pp. 5 and 6. See also: JS12, p. 2.
- ⁷⁷ JS15, p. 7. See also: JS8, pp. 5, JS15, p. 10 and AHR, p. 3.
- ⁷⁸ JS10, p. 4.
- ⁷⁹ JS10, pp. 3 and 4. See also: JS12, p. 3.
- ⁸⁰ JS10, p. 5.
- ⁸¹ JS15, p. 25. See also: JS12, pp. 2 and 7, JS10, p.4 and JS8, p. 6.
- ⁸² JS10, p. 11.
- ⁸³ JS10, p. 11. See also: JS10, p. 5 and JS12, p. 7.
- ⁸⁴ JS12, p. 7. See also: AI, p. 7, JS10, p. 5 and JS12, p. 7.
- ⁸⁵ See A/HRC/22/8 para. 99.74 (Austria).
- ⁸⁶ JS15, pp. 10 and 11. See also: AI, pp. 5 and 7, JS10, p. 11, JS8, p. 10 and JS16, p. 8.
- ⁸⁷ JS12, pp. 3 and 6. See also: JS10, p. 10, Justicia-Ya, p. 5 and CIDH, Comisión Interamericana de Derechos Humanos, Situación de los derechos humanos en Guatemala: Diversidad, desigualdad y exclusion, OEA/Ser.L/V/II, 31 diciembre 2015.OEA/Ser.L/V/II, 31 diciembre 2015, paras. 374 and 377. Available at: <http://www.oas.org/es/cidh/informes/pdfs/guatemala2016.pdf>.
- ⁸⁸ AI, pp. 5 and 7. See also: JS10, p. 11, JS8, p. 10 and JS16, p. 8.
- ⁸⁹ JS15, p. 8. See also: IHRC-OU-Norman-Oklahoma, p. 2, JS12, p. 4, JS15, p. 10 and AHR, p. 3.
- ⁹⁰ JS10, pp. 2 and 3. See also: JS2, p. 6 and AI, pp. 4 and 5.
- ⁹¹ JS2, p. 6. See also: JS12, p. 4 and AI, pp. 4 and 5.
- ⁹² JS12, p. 7. See also: JS15, p. 25, AI, p. 7 and JS8, p. 10.
- ⁹³ JS8, p. 8.
- ⁹⁴ JS15, p. 4.
- ⁹⁵ JS3, p. 2.
- ⁹⁶ JS8, pp. 7 and 8. See also: JS4, p. 8 and JS3, p. 5.
- ⁹⁷ JS15, pp. 11 and 12. See also: JS3, p. 2.
- ⁹⁸ See A/HRC/22/8 para. 99.74 (Austria) and A/HRC/22/8 para. 99.75 (Santa Sede).
- ⁹⁹ JS10, p. 4. See also: JS4, p. 9, JS10, p. 11, JS8, pp. 7 and 8 and JS3, pp. 3 and 4.
- ¹⁰⁰ JS8, pp. 11.
- ¹⁰¹ JS8, p. 10.
- ¹⁰² JS3, p. 5.
- ¹⁰³ JS15, p. 24. See also JS8, p. 7, JS4, pp. 4 and 7, and JS8, p. 11.

- ¹⁰⁶ JS8, p. 7. See also JS4, p. 3. See A/HRC/22/8 para. 99.78 (Norway).
- ¹⁰⁷ JS15, p. 21.
- ¹⁰⁸ JS16, pp. 8 and 12. See also JS4, pp. 4 and 10.
- ¹⁰⁹ JS4, pp. 4 and 10. See also JS8, p. 11, JS15, p. 25 and JS3, p. 5.
- ¹¹⁰ JS6, p. 4.
- ¹¹¹ JS8, p. 10.
- ¹¹² ICTUR, p. 5.
- ¹¹³ JS15, p. 17.
- ¹¹⁴ JS8, p. 12. See also JS12, p. 7.
- ¹¹⁵ JS8, p. 12. See also JS12, p. 7.
- ¹¹⁶ See A/HRC/22/8 para. 99.79 (United Kingdom).
- ¹¹⁷ JS15, p. 17. See also JS8, p. 9 and JS10, p. 5.
- ¹¹⁸ JS8, p. 11.
- ¹¹⁹ JS6, p. 8.
- ¹²⁰ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.22, 99.24, 99.25, 99.76 and 99.80.
- ¹²¹ ATRAHDOM, p. 4.
- ¹²² ATRAHDOM, p. 5.
- ¹²³ ATRAHDOM, p. 4.
- ¹²⁴ ATRAHDOM, pp. 4 and 5.
- ¹²⁵ REDTBASEN, p. 6. See also ATRAHDOM, p. 5.
- ¹²⁶ JS13, pp. 7 and 9.
- ¹²⁷ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.13, 99.81, 99.82, 99.85-99.94, 99.99, 100.20, 100.22, 100.23, 100.25, 100.27 and 100.29.
- ¹²⁸ JS11, pp. 3, 4, 5 and 7.
- ¹²⁹ JS11, p. 7. See also: CIDH, Comisión Interamericana de Derechos Humanos, Situación de los derechos humanos en Guatemala: Diversidad, desigualdad y exclusión, OEA/Ser L/V/II, 31 diciembre 2015 (OEA/Ser L/V/II, 31 diciembre 2015, p.221. Available at: <http://www.oas.org/es/cidh/informes/pdfs/guatemala2016.pdf>
- ¹³⁰ JS11, p. 8.
- ¹³¹ JS11, pp. 13 and 14.
- ¹³² JS11, p. 3.
- ¹³³ JS2, p. 7.
- ¹³⁴ JS2, p. 1.
- ¹³⁵ JS2, pp. 1 and 2.
- ¹³⁶ JS2, pp. 3 and 4.
- ¹³⁷ JS2, p. 4.
- ¹³⁸ JS2, p. 7.
- ¹³⁹ JS14, p. 8. See also: IHRC-OU-Norman-Oklahoma, p. 6.
- ¹⁴⁰ JS5, p. 14.
- ¹⁴¹ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.40, 99.58, 99.84, 99.93, 99.95, 99.97, 99.100 and 99.101.
- ¹⁴² JS1, pp. 5 and 8.
- ¹⁴³ ADF, pp. 4 and 5. See also: IHRC-OU-Norman-Oklahoma, p. 5 and JS16, p. 12.
- ¹⁴⁴ See A/HRC/22/8 paras. 99.97 (Trinidad and Tobago) and 99.96 (Sri Lanka).
- ¹⁴⁵ JS1, pp. 4 and 9. See also: JS6, p. 10 and IHRC-OU-Norman-Oklahoma, p. 5.
- ¹⁴⁶ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.58, 99.77, 99.84, 99.93, 99.98, 99.101, and 99.108.
- ¹⁴⁷ See: A/HRC/22/8 paras. 99.97 (Trinidad and Tobago), 99.77 (Mexico) y 99.98 (Paraguay).
- ¹⁴⁸ JS, p. 6.
- ¹⁴⁹ IHRC-OU-Norman-Oklahoma, pp. 2 and 3. See also: JS13, p. 4.
- ¹⁵⁰ JS17, p. 9.
- ¹⁵¹ For relevant recommendations, see A/HRC/22/8/Add.1, paras. 99.10, 99.14, 99.15, 99.16, 99.20, 99.25, 99.31, 99.32, 99.34-99.48, 99.54, 99.61, 99.95 and 99.99.
- ¹⁵² JS13, p. 3.
- ¹⁵³ JS13, p. 8.
- ¹⁵⁴ JS7, p. 2.
- ¹⁵⁵ See A/HRC/22/8 paras. 99.38 (Singapore), 99.32 (Chile), 99.16 (Switzerland), 99.41 (Czechia), 99.61 (Ireland), 99.34 (Honduras), 99.37 (Trinidad and Tobago), 99.33 (Czechia), 99.31 (Australia), 99.49 (Iraq), 99.46 (Holy See), 99.47 (Qatar), 99.42 (Greece), 99.43 (Thailand), 99.45 (Algeria), 99.39 (Spain), 99.48 (Republic of Moldova), 99.44 (Austria), 99.36 (Romania).
- ¹⁵⁶ See A/HRC/22/8 para. 99.25 (Brazil).
- ¹⁵⁷ JS14, p. 4. See also: JS7, p. 3. See also: AHR, p. 5.
- ¹⁵⁸ AHR, p. 5.

- ¹⁰¹ AHR, p. 3. See also: IS7, p. 3.
- ¹⁰² IS7, p. 8. See also: IS13, p. 4 and IS14, p. 4.
- ¹⁰³ IS7, p. 11.
- ¹⁰⁴ AI, pp. 4 and 7. See also: AHR, p. 5.
- ¹⁰⁵ AHR, pp. 6 and 7.
- ¹⁰⁶ IS13, pp. 5 and 6. See also: IS7, p. 3 and AHR, pp. 6 and 7.
- ¹⁰⁷ IS14, pp. 2 and 3.
- ¹⁰⁸ For relevant recommendations, see A/HRC/22/6/Add.1, paras. 99-105, 99-17, 99-19, 99-54, 99-59, 99-67, 99-69-99-72, 99-83, 99-88, 99-89, 99-100 and 99-101.
- ¹⁰⁹ IS13, p. 10. See also: PU1, p. 6.
- ¹¹⁰ IS7, p. 9. See also: IS13, p. 10, IS1, p. 10 and PU1, p. 6.
- ¹¹¹ INTERPEACE, p. 3. See also: IS1, p. 11.
- ¹¹² IS7, p. 10. See also: IS7, p. 9.
- ¹¹³ See A/HRC/22/6 paras. 99-56 (Liechtenstein), 99-57 (Moldova) y 99-58 (Liechtenstein).
- ¹¹⁴ IS1, p. 3.
- ¹¹⁵ GEFACPC, pp. 1 and 2.
- ¹¹⁶ IS18, pp. 5-10. See also: IS1, p. 11.
- ¹¹⁷ IS1, p. 7.
- ¹¹⁸ IS1, p. 10.
- ¹¹⁹ IS1, p. 5.
- ¹²⁰ For relevant recommendations, see A/HRC/22/6/Add.1, paras. 99-9, 99-11, 99-19, 99-23, 99-68, 99-71, 99-78, 99-89, 99-94, 99-95, 99-103-99-111, 100-19, 100-20 and 100-22-100-27.
- ¹²¹ IS16, pp. 2 and 3.
- ¹²² HRC-CO/-Norman-Oklahoma, p. 4.
- ¹²³ IS16, p. 12.
- ¹²⁴ CIDH, Comisión Interamericana de Derechos Humanos, Situación de los derechos humanos en Guatemala: Diversidad, desigualdad y exclusión, OEA/Ser.L/V/II, 31 diciembre 2015 (OEA/Ser.L/V/II, 31 diciembre 2015, p. 224. Available at: <http://www.oas.org/es/cidh/informes/pdfs/guatemala2016.pdf>
- ¹²⁵ IS16, p. 3. See also: HRC-CO/-Norman-Oklahoma, p. 5.
- ¹²⁶ AI, p. 7.
- ¹²⁷ See A/HRC/22/6 para. 100-25 (Norway).
- ¹²⁸ IS16, p. 3. See also: HRC-CO/-Norman-Oklahoma, p. 5.
- ¹²⁹ IS16, p. 5. See also: AI, pp. 4 and 5, and HRC-CO/-Norman-Oklahoma, p. 5.
- ¹³⁰ See A/HRC/22/6 paras. 99-73 (Austria), 100-18 (Spain), 99-52 (Czechia), 99-83 (Norway), 100-14 (Australia), 99-76 (Iraq) and 100-15 (Switzerland).
- ¹³¹ IS16, p. 5. See also: AI, pp. 4 and 5, and HRC-CO/-Norman-Oklahoma, p. 5.
- ¹³² For relevant recommendations, see A/HRC/22/6/Add.1, para. 99-67.
- ¹³³ AI, pp. 5 and 7. See also: PU1, p. 6.
- ¹³⁴ AI, p. 6.
- ¹³⁵ AI, p. 8.
- ¹³⁶ See A/HRC/22/6 para. 99-50 (Hungary).
- ¹³⁷ GEF, p. 5.

